

Workers of America, A. F. of L., petitioning consideration of their resolution with reference to their opposition to all antilabor and antiunion legislation; to the Committee on Labor.

1542. Also, petition of the executive committee of the Catholic State League of Texas, petitioning consideration of their resolution with reference to the reestablishment of postal service between this country and our former enemies; to the Committee on the Post Office and Post Roads.

## SENATE

SATURDAY, FEBRUARY 9, 1946

(Legislative day of Friday, January 18, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou who dost lift up our hearts to visions of a larger good:

"The world is weary of its pain  
Of selfish greed and fruitless gain,  
Of tarnished honor, falsely strong,  
And all its ancient deeds of wrong.

"Almighty Father, who dost give  
The gift of life to all who live,  
Look down on all earth's sin and strife  
And lift us to a nobler life."

In the Redeemer's name. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, February 8, 1946, was dispensed with, and the Journal was approved.

### MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On February 8, 1946:

S. 1590. An act to authorize the President to appoint Graves Blanchard Erskine, major general, United States Marine Corps, to the office of Retraining and Reemployment Administrator, without affecting his service status and perquisites.

On February 9, 1946:

S. 1467. An act to provide for adjustment between the proper appropriations of unpaid balances in the pay accounts of naval personnel on the last day of each fiscal year, and for other purposes.

### READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the authority of the order of the Senate of January 24, 1901, the Chair designates the Senator from New Mexico [Mr. CHAVEZ] to read Washington's Farewell Address to the Senate on February 22 next.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Perry, one of its clerks, announced that the House had passed

without amendment the joint resolution (S. J. Res. 105) to provide for proceeding with certain rivers and harbors projects heretofore authorized to be prosecuted after the termination of the war.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 1118. An act to amend the Hatch Act; and

H. J. Res. 316. Joint resolution making an additional appropriation for the fiscal year 1946 for readjustment benefits, Veterans' Administration.

### TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

### BOARD OF VISITORS TO UNITED STATES MILITARY ACADEMY

The PRESIDENT pro tempore laid before the Senate a letter from the chairman of the Committee on Military Affairs (Mr. THOMAS of Utah), which was ordered to lie on the table and to be printed in the RECORD, as follows:

UNITED STATES SENATE,  
COMMITTEE ON MILITARY AFFAIRS.  
February 9, 1946.

HON. KENNETH MCKELLAR,  
President pro tempore,  
United States Senate,  
Washington, D. C.

DEAR SENATOR MCKELLAR: In accordance with law, I wish to submit the names of the following Senators as representatives of the Senate Military Affairs Committee on the Board of Visitors to the United States Military Academy for 1946: TOM STEWART, BURNET R. MAYBANK, FRANK P. BRIGGS, THOMAS C. HART, and H. ALEXANDER SMITH.

Most sincerely,

ELBERT D. THOMAS.

### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on February 8, 1946, he presented to the President of the United States the following enrolled bills:

S. 380. An act to declare a national policy on employment, production, and purchasing power, and for other purposes; and

S. 1480. An act for the relief of Charles R. Hooper.

### PETITION AND MEMORIAL

A petition and a memorial were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A memorial of the Reno (Nev.) Detachment of the Marine Corps League, remonstrating against the proposed merger of the Army and Navy; to the Committee on Military Affairs.

By Mr. DOWNEY:

A joint resolution of the Legislature of the State of California; to the Committee on Naval Affairs:

"Assembly Joint Resolution 13

"Joint resolution relative to the use of the aircraft carrier *Saratoga* as a national shrine or its assignment for some other useful purpose in the San Francisco Bay area

"Whereas the Navy Department has announced that the historic aircraft carrier *Saratoga* is to be inactivated and utilized with other designated naval vessels in atomic bombing experiments by the United States Government; and

"Whereas the *Saratoga*, throughout the recent war, operated in the Pacific with San Francisco as her continental home port; and

"Whereas this gallant warship has a remarkable war record, including participation in the battles of Guadalcanal, the Solomons, Bougainville, Tarawa, the Marshalls, Rabaul, Iwo Jima, and many others, as well as using its planes for successful air raids on Tokyo and enemy installations in various parts of the Pacific; and

"Whereas the *Saratoga* was credited officially with the destruction or disabling of several enemy cruisers, destroyers, and other warcraft that helped insure safe landings for our armed forces on enemy-held territory; and

"Whereas the San Francisco Call-Bulletin and the people of San Francisco have launched a drive to save this great aircraft carrier from destruction, even for scientific research, and to convert it into a national shrine or make it available for naval training purposes or other useful objectives in San Francisco Bay; and

"Whereas the designation of the vessel for such purposes would be a memorial to the men who served on the *Saratoga* and sacrificed their lives in action on her, as well as an honor to those members of the armed forces who served aboard her during the recent war: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the President of the United States and the Secretary of the Navy are respectfully requested to withdraw the aircraft carrier *Saratoga* from the list of warships scheduled for destruction in the contemplated atomic bombing experiments, pending arrangements that are being made by the people of San Francisco to perpetuate the vessel as a national shrine, or its assignment for some other useful purpose in the San Francisco Bay area; and be it further

"Resolved, That the chief clerk of the assembly is directed to transmit copies of this resolution by air mail to the President of the United States, the Secretary of the Navy, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

### REPORT OF A COMMITTEE

Mr. MCKELLAR, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 4652) to provide credit for past service to substitute employees of the postal service when appointed to regular positions; to extend annual and sick leave benefits to war service indefinite substitute employees; to fix the rate of compensation for temporary substitute rural carriers serving in the place of regular carriers in the armed forces; and for other purposes, reported it with amendments and submitted a report (No. 927) thereon.

### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS of Oklahoma:

S. 1816. A bill to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the Authority and the United States, and for other purposes; to the Committee on Commerce.

By Mr. LANGER:

S. 1817. A bill to provide for hospitalization and treatment of veterans in nongovernmental hospitals; to the Committee on Finance.

S. 1818. A bill to amend the Civil Service Retirement Act, approved May 29, 1930, as

amended, so as to make such act applicable to officers and employees of national farm-loan associations; to the Committee on Civil Service.

(Mr. LANGER also introduced Senate bill 1819, to amend the Rural Electrification Act of 1936, as amended, so as to authorize the making of loans for the purpose of financing individual electric plants, which was referred to the Committee on Agriculture and Forestry, and appears under a separate heading.)

By Mr. LANGER:

S. 1820. A bill providing for increased pay for personnel of the Navy, Marine Corps, and Coast Guard who incurred combat injuries; to the Committee on Naval Affairs.

By Mr. MEAD:

S. 1821. A bill to amend section 502 of the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," approved October 14, 1940, as amended, so as to authorize the appropriation of funds necessary to provide an additional 100,000 temporary housing units for distressed families of servicemen and for veterans and their families; to the Committee on Education and Labor.

By Mr. WILLIS:

S. 1822. A bill to extend Letters Patent No. 1,734,445; to the Committee on Patents.

By Mr. JOHNSON of Colorado:

S. 1823. A bill to provide for continuing the reemployment rights of veterans under the Selective Training and Service Act of 1940, as amended, and for other purposes; to the Committee on Military Affairs.

S. 1824. A bill to provide temporarily for the development and control of atomic energy; to the Special Committee on Atomic Energy.

(Mr. MORSE introduced Senate Joint Resolution 141, authorizing the President to proclaim April 19, 1946, as Students and Teachers Day in commemoration of their contributions in helping to bring about victory in the present war, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

#### PROPOSED LOANS TO FARMERS TO FINANCE INDIVIDUAL ELECTRIC PLANTS

Mr. LANGER. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill to amend the Rural Electrification Act of 1936, as amended, so as to authorize the making of loans for the purpose of financing individual electric light plants.

I may state what the purpose of this bill is. Sometimes a farmer is many miles away from a transmission line and it is cheaper to loan him the money so that he can build a wind charger or engine-driven generating plant rather than to extend the transmission line.

There being no objection, the bill (S. 1819) to amend the Rural Electrification Act of 1936, as amended, so as to authorize the making of loans for the purpose of financing individual electric plants, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

#### HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred as indicated:

H. R. 1118. An act to amend the Hatch Act; to the Committee on Privileges and Elections.

H. J. Res. 316. Joint resolution making an additional appropriation for the fiscal year 1946 for readjustment benefits, Veterans' Administration; to the Committee on Appropriations.

#### RETIREMENT OF CERTAIN OFFICERS AND ENLISTED MEN OF THE NAVY, MARINE CORPS, AND COAST GUARD—CONFERENCE REPORT

Mr. WALSH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1405) to authorize the President to retire certain officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 3, 5, 6, and 7.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 8, 9, 10, and 11, and agree to the same.

DAVID I. WALSH,  
MILLARD E. TYDINGS,  
CHARLES W. TOBEY.

*Managers on the Part of the Senate.*

CARL VINSON,  
P. H. DREWRY,  
W. STERLING COLE.

*Managers on the Part of the House.*

The report was agreed to.

#### NATION-WIDE MAPPING PROGRAM—EXCERPT FROM ADDRESS BY SENATOR CARVILLE

[Mr. CARVILLE asked and obtained leave to have printed in the RECORD an editorial entitled "Nation-wide Mapping Program Should Be Encouraged," published in the October 1945 edition of Surveying and Mapping, embodying an excerpt from an address delivered by Senator CARVILLE, then Governor of Nevada, at the Conference of State Governors at Mackinac Island, Mich., July 3, 1945, which appears in the Appendix.]

#### ADDRESS BY ATTORNEY GENERAL CLARK AT MEETING OF TENNESSEE STATE BAR ASSOCIATION

[Mr. STEWART asked and obtained leave to have printed in the RECORD an address delivered by Hon. Tom Clark, Attorney General of the United States, at a session of the Tennessee State Bar Association at Knoxville, Tenn., on November 1, 1945, which appears in the Appendix.]

#### RELIGION, COMMON SENSE, AND THE RACE QUESTION—ADDRESS BY REV. A. POWELL DAVIES

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an address on religion, common sense, and the race question, delivered by Rev. A. Powell Davies, pastor of All Souls Church, Washington, D. C., January 13, 1946, which appears in the Appendix.]

#### FARMERS CONDEMN STRIKES IN ESSENTIAL INDUSTRIES

[Mr. MOORE asked and obtained leave to have printed in the RECORD an editorial entitled "Grady County Farm Revolt," published in the Daily Oklahoman of January 29, 1946, which appears in the Appendix.]

#### CORRECTION

Mr. HATCH. Mr. President, it is not often that I have occasion to correct the representatives of the press who occupy the Press Gallery here in the Senate. Often I marvel at the accuracy of the stories they daily write of the doings in the Senate. Even though there might be some discrepancy or error, so far as I am concerned I would ordinarily overlook it. But a story appears under the signature of the United Press, which was

published in today's issue of the Washington Daily News, concerning the debate on yesterday. The story is manifestly incorrect. I am sure that it is the result of a typographical error, but I wish to correct the statement. The part of the story to which I refer reads as follows:

Senator HATCH, Democrat, New Mexico, also spoke against FEPC, borrowing some time from Senator ELLENDER, Democrat, Louisiana, who technically has held the floor since Wednesday.

That is correct. I did borrow time from the Senator from Louisiana, for which I thanked him then, even as I am borrowing time from him now, for which I thank him again.

The story continues:

HATCH completely ignored plans for killing FEPC. He kept referring to FEPC defects which he planned to take up in the "middle" part of his speech "next week."

Mr. President, I made no such statement. I have no intention of making a speech either at the first, the middle, or the latter part of the week.

He has been citing figures to show northern Negroes commit more crimes than southern Negroes.

I made no such statement as that. I cited no figures whatever on that phase of the question, and I have no information about it. Manifestly the reference is to the speech of the Senator from Louisiana [Mr. ELLENDER]. Perhaps the Senator said something about making a speech next week.

Mr. ELLENDER. I did.

Mr. HATCH. It is apparent, then, that the story is correct, except that it contains the name "Senator HATCH" instead of "Senator ELLENDER."

Mr. ELLENDER. The Senator should not mind a little mistake like that.

Mr. HATCH. I do not mind it; but not having made that statement, I wished to have the record corrected.

#### FAIR EMPLOYMENT PRACTICE ACT

The Senate resumed the consideration of the bill (S. 101) to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

The PRESIDENT pro tempore. The Senator from Louisiana [Mr. ELLENDER] has the floor.

Mr. TAFT. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, my views on the Fair Employment Practice Commission bill were stated by me in the Senate on February 5, 1945. I have not changed those views, but I feel that in the present situation I should restate them to the Senate, and also my position on the question of cloture which will arise this afternoon at 4 o'clock.

Mr. President, it has seemed to me that there is a substantial discrimination in the United States against the employment of Negroes. I have seen it in Ohio cities and I believe the same condition exists in other cities. When a depression occurs the Negroes are likely to be the first to be laid off, and when employment comes back they are the last



to be put on. I believe that discrimination does exist and that it is a serious problem which we should consider. I believe that it exists probably to a greater extent in the northern cities than it does in the southern cities. It is a problem, however, which does concern all sections of the United States.

Of course, the failure to obtain employment or the fact that there is discrimination in employment and that Negroes find it more difficult to get jobs is not the only cause of the condition in which they find themselves; but today it is a matter of great concern because in our dealing with the housing problem, in our dealing with health, in our dealing with relief, in our dealing with crime, as pointed out by the Senator from Louisiana, we find that the greatest part of our problem relates to the condition of the Negroes, certainly in the northern cities, and I think also in the South. They have the lowest income of any group; they have a much lower average income than the white people have.

Of course, discrimination in employment is not the only cause of that condition. It also results from an inequality in the education of many of them in the various States, and it results, of course, from the lack of family background, the lack of position acquired by their families in the communities in which they live, and to other causes. But, nevertheless, discrimination in employment is one of the causes which brings about the condition which we have to meet in nearly all parts of the United States.

The question has been raised in the debate as to whether the Federal Government should properly concern itself with this problem. It was raised particularly by the distinguished Senator from New Mexico [Mr. HATCH]. I believe that it is a problem in which the Federal Government should concern itself. The thirteenth, fourteenth, and fifteenth amendments to the Constitution are concerns of the Federal Government.

Furthermore, the Federal Government more and more has had to concern itself with health, education, housing, and relief throughout the United States.

It seems to me that a problem so serious as this is a concern of the Federal Government, particularly insofar as it relates to interstate commerce and employment in interstate commerce, which is made by the Constitution the concern of the Federal Government.

The Federal Government has concerned itself with child labor. It has concerned itself with labor conditions in all interstate relationships, and by the wage-hour law has extended that interest to employment in many industries throughout the United States.

If the Federal Government is going to concern itself with the problem of discrimination against Negroes in employment, how should it do so? In my opinion, it should do so by appointing a commission which would constantly concern itself with methods by which those conditions should be relieved. I believe such a commission should operate on a voluntary basis and not on a force basis,

At the time I made the statement on February 5, 1945, I introduced a bill, which is known as S. 459, and which embodies the method which I believe would be effective. It sets up a Commission, and directs the Commission to study the problem in every community in the United States. Is there discrimination in a particular city against Negroes, or is there not discrimination? What number of Negro jobs are there? Is that a proper proportion? If every white man is employed, are all the Negroes employed? Is the character of the work which the Negroes perform equal to the capacity which they may have? Such problems require a detailed study, and the Commission would make that kind of a study.

When the Commission determines that in any city there is a condition under which Negroes are discriminated against, I believe the Commission should formulate a plan designed to eliminate the discrimination and to provide for the creation of more jobs for which Negroes may be available.

I do not believe the Commission should necessarily study individual discrimination, or say that one particular man does not like Negroes, so he does not employ them, while others do. I believe the Commission should make a general plan, and should call in all the employers in the city and all the leaders of the city, and say, "Here is a problem. How are you going to work it out? How many of you can increase the number of jobs for Negroes? How many of you will help in working out a plan?"

If they run up against a stone wall in some fields, it is better for them to go around it than by main force to beat down human prejudices which have existed from the beginning of time, and are likely to continue to exist.

I believe that during the war the Fair Employment Practice Committee succeeded in removing a good deal of prejudice, and in increasing the amount and character of Negro employment in a great many cities throughout the North. I believe they have shown that progress can be made by voluntary, persuasive methods by educating people to the employment of Negroes in jobs from which formerly they may have been excluded. I believe the record shows the committee has made a success.

I may say that, in my opinion, the bill which I introduced carried out exactly the pledge of the Republican platform. I was chairman of the committee on resolutions at the Republican National Convention held in Chicago in 1944. The matter was argued in the committee. There was in existence a Fair Employment Practice Committee, but it had no power, not a semblance of the powers contained in the Chavez bill, which is now pending before this body. It was a committee which operated largely on a voluntary basis, by education, and it had been successful. We put into the platform merely the proposal that that temporary Fair Employment Practice Committee should be made permanent.

In war, of course, when the Government made many contracts, the Committee had more power than it would have in time of peace. It had some enforcement

powers, but in substance it operated on a voluntary basis, and the declaration in the Republican platform, in my opinion, meant the continuation of that kind of a commission, and making it permanent.

The pending bill may have been introduced before, but I certainly never saw it until after the Republican convention in 1944, and I stated in February of last year, my unalterable opposition to the methods proposed in the bill to deal with this question.

The bill is based primarily on the procedure of the National Labor Relations Act. It creates a Fair Employment Practice Commission like the Fair Labor Practice Board under the National Labor Relations Act. I think that is a most unfortunate method for enforcing any law. I think it gives arbitrary and unlimited power to a group of men who are practically unrestrained by any consideration, and may be governed by whatever prejudices they may have, and it gives complete power over all employment by employers throughout the United States.

In 1940, as I recall, I sat through the hearings on the National Labor Relations Act, which created very much the same machinery as is now proposed. When the hearings had been concluded I was convinced that more outrages against justice had occurred through the administration of that procedure than had ever occurred in the United States under any similar condition. The Board set up was practically able to act as a crusader. They regarded themselves as crusaders to put a CIO union in every plant in the United States. They went so far that President Roosevelt himself finally replaced the entire personnel of the Board. The method proposed was, in my opinion, subject to serious and dangerous abuse.

In the case we are considering the proposal goes even further than the National Labor Relations Act, because it covers every phase of employment, every individual case. Every man who applies for employment is a different case, and it is necessary to analyze the employer's motives, as to whether he did not like the man's looks—perhaps, though, he had too "cocky" a look—or whether the refusal to employ him had some connection with his race or national origin.

The whole thing rests on the determination of a vague fact which cannot be determined, but which the Board is given arbitrary power to determine, with practically no appeal provided to a court on the question which the Commission may have in mind, although it is one, I have said, which I think has to be decided largely on the prejudices of the man who hears the case.

I believe that the bill as framed and introduced would absolutely bring about a complete regimentation of all employers in the United States and all employment in the United States. So I stated to the representatives of the Negroes who came to see me a year ago that under no circumstances would I support the bill. I said that it violated every principle I had declared as a Republican in the speeches I had made on the general subject of the regulation of business and the extension of the arbitrary power of the Government.

Mr. President, at that time I prepared a bill, Senate 459, which I introduced. If the cloture motion shall be adopted, I intend to urge upon the Senate the adoption of that bill as an amendment, and I shall offer it as an amendment at the close of my remarks.

On the question of cloture, however, which will be decided this afternoon at 4 o'clock, I believe very strongly indeed in rule XXII, and the power of the Senate to invoke cloture as a necessary instrument if we are to continue as a functioning body of the United States Congress. I feel as strongly as I can that we cannot permit an indefinite filibuster to prevent action by the Senate on the pending measure. If it can be done in connection with this measure, it can be done in the case of other measures.

I have stated, since before the time I was elected to the Senate, that after there had been afforded a reasonable opportunity for full debate, I would vote for cloture on any bill, whether I approved the bill or not, because I believe very strongly that the Senate has the right—certainly two-thirds of the Senate have the right—to consider any measure which may properly be before it.

I have the highest respect for the distinguished minority leader, the senior Senator from Maine [Mr. WHITE], but I cannot agree with the statement he made 2 days ago to the effect that, if I vote for cloture, in practical effect I give my approval to a bill which is unconstitutional and unwise. I do not think that by voting for cloture I in any way give approval to the bill which is before the Senate. That bill will be open to amendment. Many amendments have been suggested. I intend to urge upon the Senate the adoption of my substitute. But unless the bill can come before the Senate, there is no way that that amendment can even be considered.

It has been said that perhaps the cloture petition was filed a little too soon. The cloture petition was filed because we were unable to debate the bill, by reason of the procedure adopted which tied up proceedings by a motion to amend the Journal.

Mr. President, when a Senator who is as conscientious and wise as is the Senator from Maine disagrees with me and cannot vote for cloture because a particular bill, unamended, is unsatisfactory or is unconstitutional, it only shows that the advocates of this bill, the radical wing of the Negro movement of the United States, if you please, have made the greatest tactical mistake they could have made in forcing what I also consider to be an unconstitutional and unwise bill as the issue in this transaction. Yet they have been utterly unwilling to compromise in any way or support the bill which I suggested, or, so far as I know, any other amendment. Nevertheless, I think the Senator from Maine is incorrect. I believe that all those who think a bill should be passed, or even those who think a bill should not be passed, ought to be willing, after 3 weeks or 4 weeks debate, to vote for cloture to bring the bill before the Senate so that it may act on the subject matter, so that it may act on the amendments which have been offered.

Mr. President, I now offer my amendment, and ask unanimous consent that it may be printed in the RECORD, and that it be considered as presented and read under rule XXII, and as being in compliance with that rule.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment intended to be proposed by Mr. TAFT to the bill (S. 101) to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry, was received, ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Strike out all of the bill after the enacting clause except section 17, and insert:

"SEC. 1. The Congress hereby finds and declares—

"(a) That the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of race, creed, or color is contrary to the principles of freedom and equality of opportunity upon which this Nation is built, is incompatible with the provisions of the Constitution, foments domestic strife and unrest, deprives the United States of the fullest utilization of its capacities for production and defense, and burdens, hinders, and obstructs commerce.

"(b) That it is the policy of the United States to bring about the elimination of discrimination because of race, creed, or color in all employment relations which fall within the jurisdiction or control of the Federal Government.

"SEC. 2. (a) There is hereby created a commission to be known as the Fair Employment Practice Commission (hereinafter referred to as the 'Commission'), which shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of 1 year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, and one for a term of 5 years, but their successors shall be appointed for terms of 5 years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members of the Commission shall at all times constitute a quorum.

"(c) The Commission shall have an official seal which shall be judicially noticed.

"(d) Each member of the Commission shall receive a salary at the rate of \$10,000 a year, and shall not engage in any other business, vocation, or employment.

"(e) When three members of the Commission have qualified and taken office, the Committee on Fair Employment Practice established by Executive Order No. 9346 of May 27, 1943, shall cease to exist. All employees of the said Committee shall then be transferred to and become employees of the Commission, and all records, papers, and property of the Committee shall then pass into the possession of the Commission.

"(f) The principal office of the Commission shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents or agencies as it may designate, conduct any investiga-

tion, proceeding, or hearing necessary to its functions in any part of the United States.

"(g) The Commission shall have power—

"(1) to appoint such officers and employees as it deems necessary to assist it in the performance of its functions;

"(2) to cooperate with or utilize regional, State, local, and other agencies and to utilize voluntary and uncompensated services;

"(3) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents or agencies the same witness and mileage fees as are paid to witnesses in the courts of the United States;

"(4) to issue, from time to time, such regulations as it deems necessary to regulate its own procedure and the appearance of persons before it, and to amend or rescind, from time to time, any such regulation whenever it deems such amendment or rescission necessary to carry out the provisions of this act;

"(5) to serve process or other papers of the Commission, either personally, by registered mail, or by leaving a copy at the principal office or place of business of the person to be served; and

"(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this act and to make the results of such studies available to interested Government and nongovernmental agencies.

"SEC. 3. (a) It shall be the duty of the Commission to bring about the removal of discrimination in regard to hire, or tenure, terms, or conditions of employment, or union membership, because of race, creed, or color—

"(1) by making comprehensive studies of such discrimination in different metropolitan districts and sections of the country and of the effect of such discrimination, and of the best methods of eliminating it;

"(2) by formulating, in cooperation with other interested public and private agencies, comprehensive plans for the elimination of such discrimination, as rapidly as possible, in regions or areas where such discrimination is prevalent;

"(3) by publishing and disseminating reports and other information relating to such discrimination and to ways and means for eliminating it;

"(4) by conferring, cooperating with, and furnishing technical assistance to employers, labor unions, and other private and public agencies in formulating and executing policies and programs for the elimination of such discrimination;

"(5) by receiving and investigating complaints charging any such discrimination and by investigating other cases where it has reason to believe that any such discrimination is practiced; and

"(6) by making specific and detailed recommendations to the interested parties in any such case as to ways and means for the elimination of any such discrimination.

"(b) The Commission shall at the close of each fiscal year report to the Congress and to the President describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The Commission may make such other recommendations to the President or any Federal agency as it deems necessary or appropriate to effectuate the purposes and policies of this act.

"SEC. 4. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this act, the Commission, or its authorized agents or agencies, shall at all reasonable times have the right to examine or copy any evidence of any person relating to any such investigation, proceeding, or hearing.

"(b) Any member of the Commission shall have power to issue subpoenas requiring the



attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, agent, or agency conducting such investigation, proceeding, or hearing.

"(c) Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths, examine witnesses, receive evidence, and conduct investigations, proceedings, or hearings.

"(d) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

"(e) In case of contumacy or refusal to obey a subpoena issued to any person under this act, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing; any failure to obey such order of the court may be punished by it as a contempt thereof.

"(f) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"Sec. 5. The Commission shall make a study and investigation of discrimination in regard to hire, or tenure, terms, or conditions of employment, in the departments and agencies of the Federal Government because of race, creed, or color, and shall recommend to the Congress a specific plan to eliminate it and such legislation as it deems necessary to eliminate it.

"Sec. 6. Any person who shall willfully resist, impede, or interfere with, any member of the Commission or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 1 year, or both."

Mr. TAFT. Mr. President, I feel very strongly that this amendment is the proper way to improve the condition of the Negro. I feel that the Chavez bill, unless amended, will do the Negro far more harm than it will do him good. I feel very strongly, therefore, that when this matter is considered by the Senate, the type of approach provided by my amendment should be the solution to what I think is a serious and extremely dangerous problem in the United States of America.

Mr. BARKLEY. Mr. President, will the Senator from Louisiana yield to me? Mr. ELLENDER. I yield to the Senator from Kentucky.

Mr. BARKLEY. I wish very briefly to discuss the pending matter because I am

supporting the legislation and I intend to vote for the cloture petition, and, therefore, I wish, if for no other purpose, for the record, in order that that record may be clear, so far as I am individually concerned, to occupy the time of the Senate very briefly before the vote on the cloture motion is taken.

I think every Member of this body, or of any other legislative body, who supports or opposes controversial legislation, owes it to himself and to the body of which he is a member, as well as to those who have honored him with membership, to give the reasons that impel him to support or oppose such legislation.

I desire to express my gratification, Mr. President, that, notwithstanding the controversial nature of this legislation, and notwithstanding my unbroken attitude toward what have become known as filibusters, the debate on this matter for the last 4 weeks has been in a spirit of respectful consideration of the views of all those who have participated in it. That is as it should be. Sometimes our prejudices and emotions are aroused over matters that affect our particular sections, or upon which we have strong convictions, and sometimes here, as in all other legislative bodies, expression is given to views and attitudes which in calmer moments would not be indulged in. But I think it may be said that during this discussion there has been less of that on previous occasions when similar subjects have been before the Senate, and that is a matter for gratification, I think, on the part of the Senate and the country.

Mr. President, I have since the establishment of the Fair Employment Practice Committee by Mr. Roosevelt, as a war measure primarily, and since discussion of it as a possible permanent agency and policy of the Government, felt that the question presented an issue which was Nation-wide, just as the discrimination which was previously indulged in by some transportation companies against others, or against communities which enjoyed some degree of favoritism, constituted such a national problem by way of discrimination in the operation of our great transportation systems that Congress finally was compelled to deal with it as a national problem.

The commerce clause of the Constitution, as we all know, gave Congress the right to regulate commerce, but we did not attempt it for 100 years after the Constitution was adopted. There was no need for it. Finally there grew up a practice among the railroads of discriminating against other railroads, discriminating against whole towns and communities, and against businesses, which created in the minds of the American people the feeling that the time had come when the clause authorizing Congress to regulate commerce should be implemented by legislation. Of course, that was extended not only to railroads but subsequently to steamships and busses, ultimately to telegraphs and telephones and all other forms of communication, and finally to airplanes, and to all agencies, not only of physical transportation and property, but all agencies of communication that

might go beyond any State line, because they were engaged in operations that affected the free flow of commerce among the States. Based upon that consideration, the Interstate Commerce Commission was set up. The Federal Trade Commission was created based upon the commerce clause of the Constitution. The Federal Communications Commission, the Civil Aeronautics Board—all these agencies have been set up in order to keep as nearly as possible the channels of commerce and communications open in interstate transactions.

Furthermore, Mr. President, based upon the same theory, we passed the National Labor Relations Act, known as the Wagner Act, because the relations between employers and employees in industries engaged in interstate commerce or in the manufacture of articles which went into interstate commerce, affected interstate commerce. So Congress passed the Wagner Act, which has been justified and confirmed by the decisions of the Supreme Court of the United States. The Wages and Hours Act, as well as the Wagner Act, stem from that provision of the Constitution which gives Congress the right to regulate commerce among the States and with foreign countries.

I have supported such legislation heretofore when it involved railroads, steamships, bus lines, airplanes, radio communications, telegraph and telephone, and all other agencies and activities that came within the purview of the power and the right and the duty of Congress to regulate commerce among the States. So from that basis, Mr. President, since the creation of the Fair Employment Practice Committee by former President Roosevelt, I have come to the conclusion that it is a matter which is a national problem, that it does affect in a way the commerce among the States, and the production of articles that go into commerce among the States, and for that reason I have in my own mind no doubt about the constitutionality of legislation upon the subject. That does not mean that I am passing, in my own mind even, upon the bill that is now before the Senate. There are provisions in the bill which I think should be changed. I will come to that question in a moment. I wished to give the background for my general support of this legislation.

I believe that when we come to deal with discriminatory practices under our power to regulate commerce we have as great an obligation to deal with the human element as with the physical element of mere property or transportation facilities. I think there is a human element, which we have recognized in our labor legislation.

Back in 1916 I was a Member of the House of Representatives. I was a member of the Committee on Interstate and Foreign Commerce when the Adamson law was enacted by the Congress. Being a member of that committee, I was called into conference by Hon. William C. Adamson, then chairman of the Committee on Interstate and Foreign Commerce of the House, because of a labor situation which had developed in the transportation field which required action. It involved the 8-hour day on rail-

roads, as well as the 8-hour day in other industries which affected or were affected by interstate commerce.

In that capacity I helped to draft the Adamson Act as a Member of the House of Representatives in conference with the chairman and others on the committee which handled the legislation. We were convinced that if we had the right to regulate the freight rates charged by railroads for carrying freight from one State to another, and if we had the right to regulate by inspection the kind of cars and engines not only for the safety of property but for the safety of travel, we had the right to enact a law to undertake to establish machinery by which to settle labor disputes on railroads, which we undoubtedly had the right to regulate under the commerce clause of the Constitution.

That law has been on the statute books for 30 years. It was enacted in 1916. It is now 1946. That statute has not only been on the books for 30 years, but it has been sustained, and it has become the recognized policy of the Government, supplemented by another law with which I had something to do, the law establishing the Board of Mediation and Conciliation for the settlement of disputes on railroads, based upon the same principle of constitutional authority.

So I have always felt that Congress has the right to deal with human problems and labor problems in any field which involve interstate commerce, in connection with any agency engaged in interstate commerce. Therefore I feel that we have as much right to deal with this problem as with any other labor problem resulting from the growing complexity of life in our country and the growing interdependence of one community upon other communities, and one State upon other States. I believe that the more complex our civilization becomes, the more widely scattered our industries and our problems of commerce and trade, the more we must continue to go into the field of dealing with these problems from the standpoint of the whole country, and not a particular section of the country. Therefore I am convinced in my own mind that we have the constitutional power to deal with the subject which is under discussion at this time.

With reference to the bill which is now before the Senate, as I have stated, I think it is susceptible of improvement by amendments. One of the distinguished Senators who opposed the bill called my attention to one amendment which should be made, and I agreed that the bill ought to be changed in that regard. The suggested amendment has to do with the situs of the trial of anyone who is charged with a violation of the law. There seems to have been an interpretation that anyone charged with a violation of the law might be taken far beyond the jurisdiction of the court in the district where he lives, and tried in a strange community, among strange surroundings. I had not had my attention called to that possibility, but if that were possible, I certainly would vote for an amendment requiring that when a man is charged with violating the law he should be tried in the district in

which the offense is alleged to have been committed.

To my mind it is a fundamental right of an individual charged with an offense to be tried in the vicinage. It is one of the ancient doctrines of the common law and of Anglo-Saxon jurisprudence that a person who is charged with an offense shall be tried in the community where the offense is committed, except that under certain circumstances in our State courts, as we all realize, when there is widespread prejudice against a defendant in a certain county or locality, either the State, which prosecutes the offender, or the offender himself, may ask the court to change the venue of the trial to some other jurisdiction, so that he may get away from any prejudice which may exist. But I think it is a fundamental principle of our American jurisprudence that men shall be tried within the area of the jurisdiction of the court within whose jurisdiction the offense is alleged to have been committed. If there is anything in this legislation which would violate that principle, I would certainly vote for an amendment to correct it. But, of course, we have not yet had an opportunity to vote on amendments, because we have not reached the stage where they can be more than presented for the information of the Senate.

I wish to call attention to some facts which have been developed in regard to this situation, not only in this war but in the previous war. War production in the last war, which we call World War II, drew approximately 600,000 Negroes and 100,000 Mexican-Americans from the South and Southwest to industrial cities in the North, East, and West. Of the more than 1,000,000 Negro war workers who were engaged in the production of war supplies during the war, the majority were employed in aircraft, shipbuilding, and munitions industries, which have now shut down, leaving the workers to seek peacetime jobs. Lack of housing and overcrowded facilities have caused racial tensions and antagonisms in industrial cities which imported Negro and other workers—Negroes, Mexican-Americans, and probably some others—into highly industrialized centers where they were employed in the production of aircraft, in shipbuilding, and in munitions manufacture. They were drawn there because of war conditions. Those plants have been largely shut down. The 600,000 or 700,000 workers who migrated, or who were induced to go to the industrial centers, find themselves without jobs; and because of housing conditions they find themselves in an undoubtedly embarrassing situation, in which racial antagonisms and jealousies may follow the pattern which occurred after the First World War. The situation which now exists existed at the close of the First World War. The condition at the close of the First World War was greatly intensified, because statistics show that during that war, and immediately following, more than 1,000,000 Negroes migrated from the South to the North, into the industrial sections of the country. Many of them did not see fit to return to their homes in the South. Many of them possibly could not, and, for one reason or another, large numbers

of them remained in the industrial centers to which they had migrated as a result of war activities in World War I. By reason of the friction which sprang up in those industrial communities—and they were not in the South but in the North and East—riots occurred following World War I, which created a very great problem in the communities where the migrant laborers had gone, and where they remained.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. RUSSELL. The Senator does not mean to create the impression, does he, that the migrant laborers involved in the tremendous shift of population consisted entirely of Negroes and Mexicans?

Mr. BARKLEY. Not altogether.

Mr. RUSSELL. Hundreds of thousands of white people were left without employment by reason of plants closing.

Mr. BARKLEY. That is true; but, as I am sure the Senator will realize, the migration of those people did not necessarily create, as a result of unemployment or efforts to secure employment, a racial problem. I am speaking of the tendency to create a racial problem in industrial communities where there has been migration of a type of workers whose presence might create racial friction in neighborhoods to which they have moved. The Senator is correct in stating that large segments of the white population moved into industrial centers.

Mr. RUSSELL. And the closing down of the war plants has denied them jobs, just as it has denied jobs to members of minority groups.

Mr. BARKLEY. Yes; undoubtedly that is true. But the closing down of the war plants and their unemployment and their efforts to secure employment, of course would not create the racial friction which might be created in those communities because of antagonism against race or ancestry.

Mr. RUSSELL. Competition for jobs is what creates the antagonism.

Mr. BARKLEY. Not necessarily. Of course, it is a factor which enters into the situation, but it is not the only element. It might create jealousy between two persons, each of whom was trying to obtain a job; but it does not create the element of racial antagonism which might be calculated to break out into some form of outward demonstration for or against one or the other. That is the point I am seeking to emphasize.

Mr. President, the problem we are discussing here is not, as I see it, a southern problem. The truth of the matter is that the South is in a better position and its record is better with respect to the observance of the fair employment practice policy inaugurated by President Roosevelt than is any other section of the country, and I shall show that by the statistics which I am about to read.

Mr. RUSSELL. Mr. President, of course the Senator knows that the Committee did not undertake to enforce exactly the same kind of policy in the South that it did in other sections of the country. Under the temporary Committee which had authority over only



those having contracts with the Government, the Committee did not in the South order them to have the same dining facilities and the same rest room facilities, as it did in other sections of the country, thereby causing strikes.

Mr. BARKLEY. I think the Committee wisely took into consideration the conditions existing in various parts of the country. But I am now calling attention to the number of cases which have come to the attention of the FEPC.

Mr. RUSSELL. I agree as to that; I am familiar with those figures.

Mr. BARKLEY. In the Midwest and far West there were 39 percent of all cases which were brought to the attention of the FEPC. In the East there were 33 percent. In the South there were 28 percent. In the South compliance with the wartime policies of the FEPC was higher than in the far West. I refer to the compliance of industry and of the people generally. In the South it was higher—and I say it to their credit—in proportion to the number of cases brought to the attention of the FEPC. It was higher in the South than in any other part of the country. I think that is something that it is fair to say because the operations of the FEPC during wartime did not create the difficulties, as I see it, which might have been anticipated, and as to which fear is sometimes expressed. No violence occurred anywhere in the South during the operation of the FEPC over the employment practices which it undertook to inaugurate. There was no violence anywhere in the South. I think that is also a matter to be mentioned with commendation. Under the wartime FEPC, many Mexican-Americans and Negroes were given the jobs for which they were trained, by means of informal negotiations of the FEPC's representatives between industry and the labor which sought employment.

I am a southerner. I was educated partly in Georgia. I was born in Kentucky within 18 miles of where I now live. I think I am not unmindful of the feelings and traditions of the people of that great section of the United States. I know that in my State, chambers of commerce, Rotary clubs, Kiwanis clubs, Lions clubs, and all sorts of organizations are seeking to bring into the State industrial plants, and I feel that the same is true in nearly every State of the South. For a long time we have been trying to bring about greater industrialization in the Southern States. I will say to my good friend who now presides over the Senate, our beloved President pro tempore, the senior Senator from Tennessee [Mr. McKellar], that during the war someone in my State undertook to take a census of industrial plants which had been located in Kentucky and those which had been located in Tennessee; and they put up to me the proposition that the census showed up much better for Tennessee than it did for Kentucky, and they attributed that difference to my lack of influence and to the great influence of the Senator from Tennessee who presides over this Chamber. It was perfectly natural, of course, I denied that the Senator from Tennessee had any more influence than I did, and I did so very

bitterly, although I may have been attempting to boost my own stock, somewhat at the expense of tearing down his. But we all know that the Southern States do seek now to obtain greater industrialization.

During World War I, as I said a while ago, a million Negroes migrated to the North and stayed there. Following that war, in the 1920's and 1930's another million Negroes migrated to the North. Six hundred thousand Negroes left the South during the war from which we have just emerged. So, Mr. President, in considering the industrialization of the South, in which most organizations of a business or commercial nature are interested, I think there must be considered the problem of the labor supply.

There are approximately 13,000,000 Negroes in the United States, mostly in the South, of course. I think the statistics will show that, considering the entire market for labor, including all sorts of labor, both skilled and unskilled, common labor, and all other types, Negroes make up a large portion of the labor market in the South. So if it is the ambition of our people to bring more industries into our States and to be able to employ our labor in such industries and to be able to send our products into other sections of our country and the world, we must give consideration to the problem of distributing the work among those who are available to perform it, because the ability of our people to find work measures in a large sense their ability to buy the commodities which we produce in our States, thus creating a home market for those products. During the existence of the Fair Employment Practice Committee, 80 percent of the cases brought before it were due to complaints of discrimination against Negroes throughout the country and 20 percent were complaints from other portions of the population.

As I have already said, if we are to bring about a reasonable amount of industrialization in all sections of the country, it seems to me that we must ourselves give consideration to the employment of highly competent persons, no matter what their race, creed, color, national origin, or ancestry may be. They should be given employment if they are qualified to work.

As the Senator from New Mexico [Mr. Hatch] said yesterday, there is discrimination. The Senator from Ohio emphasized the fact. Discriminations are not limited merely to white and colored people. Discriminations are practiced with respect to race and religion not only in the South but in all parts of the country. It results largely from prejudice; and I agree that we cannot wipe out deep-seated and long-lived prejudices by law. No one is so naive as to believe that we can wipe out prejudices by the enactment of a law. We cannot wipe out hatred by legislation. But if hatred goes to the point of creating a desire to murder a fellowman, we can provide for a punishment to fit the crime which has been committed as the result of such hatred. In every State of the Union, and all over the civilized world, those who have committed murder as a result of hatred or animosity are punished.

However, as I have said, we cannot wipe out hatred and animosities by law. We cannot wipe out prejudices by enacting a statute. I would not attempt to say that it could be done, because it is one of the imponderable things with which we cannot deal merely by enacting a law. The only thing which legislation can do is to try to mollify, so far as possible, the result of prejudice which denies to men and women in the United States an opportunity to make a living for themselves and their families.

Mr. President, no discriminations take place in respect to the tax laws. All people of this country, without regard to their racial status, their religion, or ancestry, are required to pay taxes in support of the Government of the United States, the State, the county, the city, and the school district in which they live. If they own homes their homes are assessed. If they receive an income within the taxable brackets, they must pay taxes on such income. They are under obligation to pay such taxes. Inasmuch as they are under equal obligation to support their Government, not only in respect to the payment of taxes but in respect to taking part in a war effort in defense of the country, as has been demonstrated within only the past four years, and without any regard to race, creed, religion, national origin, or ancestry, do they not have a right to have equal opportunities for making a living for themselves?

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. ELLENDER. I am very much interested in what the distinguished Senator is now saying. I wish to ask him. Is there as much discrimination taking place as the Senator is telling us about? Does he know that during the period from August 1, 1943, to January 1, 1946, there were only 8,750 cases of alleged discrimination filed with the FEPC throughout the entire country?

Mr. BARKLEY. What dates did the Senator give?

Mr. ELLENDER. I was speaking of the entire period since the creation of the committee under the Executive order, namely, from August 1, 1943, to January 1, 1946, which includes the war period when employment was in full swing, and when the Committee was empowered to look into and attempt to correct all matters about which complaints had been filed with it. During that period, as I have said, there were only 8,750 cases reported.

Mr. BARKLEY. I do not have such figures before me.

Mr. ELLENDER. Those figures were taken from the records.

Mr. BARKLEY. If there were no more than that number of cases, it is an element for which our country may be congratulated. The period, however, was one during which employment ran high, and we were looking for people who were able to work. The figure which the Senator has given would not prevail during a period of unemployment when there was great competition among our people in obtaining jobs. I have no doubt that if we should arrive at a period of widespread unemployment, and a

shift in the population took place, many more cases would occur than those which the Senator has indicated.

Mr. ELLENDER. I do not know of any demand ever having been made for a committee on fair employment practice prior to some time in 1941.

Mr. BARKLEY. Mr. President, I feel that inasmuch as I am supporting this legislation I should give some reasonable ground for my position from the standpoint of the experiences of the Committee which was established by the late President Roosevelt. As I have already said, I am willing to support an amendment to the pending bill requiring that a trial in the Federal court of anyone charged with a violation of the law shall be afforded in the district in which the violation is said to have been committed.

Mr. ELLENDER. The pending bill does not provide for a trial in any court, but only for a hearing before a commission.

Mr. BARKLEY. The Commission is to be established for the purpose of negotiating and correcting the violation. But if anyone charged with a violation is tried, he must be given a trial in the Federal court.

Mr. ELLENDER. But the Commission is to be the final arbiter of the facts, and all the court is empowered to do is to determine whether or not the law has been violated.

Mr. BARKLEY. I do not think the Commission is the final arbiter of the facts. If a man is indicted, the court has the right to determine his guilt or innocence. The Commission, either as it now exists, or as it is provided for in the pending bill, may not punish either by fine or imprisonment, or both, any person found guilty of a violation under the law. That is for the court.

Mr. ELLENDER. According to my interpretation of the terms of the bill, an employer would be required to employ the person seeking employment, and if he were found guilty, according to the facts set forth by the Commission, the court would have no jurisdiction.

Mr. BARKLEY. I doubt that the interpretation which the Senator has stated is a correct interpretation. If it be correct, I am sure that the Senate could rectify the error by an amendment which it has not yet had an opportunity to consider.

Mr. HOEY. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. HOEY. Does not the Senator feel that a man should be entitled to a trial by jury?

Mr. BARKLEY. Yes, I do.

Mr. HOEY. The bill not only denies him any trial in court at all, but it denies him a trial by jury at any time or under any circumstances.

Mr. BARKLEY. I think anyone who is indicted for a crime in violation of the law of the United States, whether it is the proposed law or some other law, is entitled to a trial by jury.

Mr. HOEY. The bill provides for a fine of \$5,000 and 1 year's imprisonment, without any opportunity for a man to be tried by jury.

Mr. BARKLEY. Is it the Senator's contention that the bill itself denies that

right, or merely does not guarantee that right?

Mr. HOEY. It denies it specifically. It provides that whenever the Commission wants to enforce its decree it may call an employer into court, before any circuit judge of the United States, taking him across any State, taking him before a circuit judge, and when he gets there he has no opportunity to combat the facts the Commission has found, and the judge can impose the penalty.

Mr. BARKLEY. That is one of the things with which we can deal by way of amendment when we get to the consideration of the bill, if we ever do. I myself would not discriminate against any violator of the proposed law by denying him the right to be tried in the same way others are tried for violating a Federal law. That is my position in regard to that. But that is one of the things we could correct if we got to the point where we could consider the form of the proposal as drawn.

Mr. ELLENDER. Then I understand the Senator to say that he is not for the bill as written.

Mr. BARKLEY. I have said I would vote for several amendments to the bill if we could get to the point where amendments could be considered. One is regarding the jurisdiction of the Federal courts. Another is as to the minimum number, to which question I was just about to come. I think there would be a fair chance in this body to amend the bill in the manner I have indicated.

Mr. ELLENDER. Would the Senator vote for the bill as it is, without amendment?

Mr. BARKLEY. I do not have to answer that question, but I will say that if the Senate of the United States were unwilling to adopt any amendment to it, and I concluded it would be better to adopt it without amendment than to have no law at all, I would vote for it as it is written. But I would help to amend it so that it would be fair and just to every community and every citizen in the United States. I think we could do it. I think in doing so we would have the cooperation of the Members of this body from every part of the country, because certainly in describing a crime against the laws of the United States we do not wish to set any particular law aside and put it upon a pedestal, and make violation of it different from violations of other laws, so that the same judicial processes cannot be invoked.

Now, just one other matter, namely, with respect to the minimum number. I think that under the present Executive order the minimum number is six—that there must be six employees involved—and that is provided in the bill.

Amendments have been suggested, I think, raising the number to 25, perhaps higher. I think that as an experimental law, feeling our way to see how it works and acting on experience, six is too small a number. I, myself, would vote for an amendment raising the limit to 25. That would get away from household assistants, it would get away from farm labor, it would get away from the small retail stores all over the United States, and would practically limit the

law to industrial plants where there is more or less mass employment. I think that in the beginning it would be wise to do that. If the law worked well, as I think it would, we could make other modifications as time went on.

I am willing to vote for amendments which will make the law more just and fairer and wiser in the beginning of the process of trying to eliminate discrimination in the right of Americans to have work which will enable them to support their families. Of course, we have not been able to reach the point where amendments could be considered.

Now, as to cloture, I said practically all I wanted to say about that a few days ago. I believe in majority rule; I believe in giving every minority a right to a voice; I believe in giving every minority the right to a voice in their Government, which means they would have a right to participate if they qualified under the laws of the States or under any Federal law which might be applicable. They have a right to a voice in their Government.

Thomas Jefferson and Abraham Lincoln agreed fundamentally in the right of every man and every woman to enjoyment of equal rights under a democratic form of government. Both of them said practically the same thing when they stated that no man is wise enough to govern another man without that man's consent. That is a general principle of democracy which we have followed in this country for a century and a half.

I believe that minorities have their rights, not only in legislative bodies but I think minorities have their rights in the body politic. I think they have their rights in expressing their views with respect to their government, and the laws, and the men who shall represent them in the lawmaking bodies. But when they have been allowed to express their views, when they have been allowed to express their convictions, and participate in every legal way in their government, by voting, by attending conventions, or by any other public participation in the processes of government, they have had all they are entitled to enjoy under the Constitution, and when they have been permitted to exercise those rights, they are, by the same token and under the same theory, obligated to accept the will of the majority.

Neither in a legislative body nor in the country at large, in any process of government, does the majority have a right to run rough-shod over the minority. I think the minority must be given the right of expression and the right of vote, but I believe in majority rule in this country. If we abolish that rule, then we have nothing but the mob left. If we ever abolished the right of the people of our country to govern our country, no Presidential election we might hold would ever be worth the paper upon which the ballots were written. We must respect the right of the majority.

I believe that the majority in any legislative body has the right to express its will, and for that reason I have supported cloture heretofore. Because I supported it on one bill I have not felt obligated to support it on every other bill. Every bill stands on its own bottom, and



if in any case I did not feel that there had been thorough understanding and full debate on any proposition, and a motion were brought in for cloture, I would not vote for it. But when I do believe there has been ample time for debate and that the debate has been ample, and that everyone understands the proposition being discussed, I have always felt it my duty, as an individual Senator, to vote to bring the matter to a conclusion, and let the Senate express itself on it. For that reason I have heretofore supported cloture motions, and the Senate has on a few occasions voted cloture on measures which it felt should be passed.

Mr. President, that is the way I feel about cloture on any legislation, without regard to its character, when there has been ample opportunity given for discussion of it.

For the reasons I have stated—and I apologize to the Senate for taking as much time as I have taken—I shall support the motion for cloture when it is voted on this afternoon. If the motion shall prevail, I shall support the bill that is now under consideration. I shall also be glad, and I would welcome the opportunity, to vote upon some amendments which I think would improve the bill very materially.

Mr. ELLENDER. Mr. President, I had agreed to yield to several other Senators, but I do not see them present. I want them to know that at any time they come in and desire to speak for or against the FEPC bill, I shall be glad to yield.

Yesterday, Mr. President, at the close of the debate I had completed giving to the Senate the figures for the city of Cincinnati respecting the number of arrests. I attempted to show the ratio which existed between the whites and the colored.

As I pointed out, in the city of Cincinnati, with a population of 11 percent colored and 89 percent white, from 1930 to 1940, and then with a population increase of 12.6 percent from 1940 on, the ratio ranged from a minimum of 7.9 to as much as 13.6. In other words, the figures showed that for every white person who committed a crime covered by the category of murder, manslaughter, rape, robbery, aggravated assault, burglary, theft, or auto theft the number of colored people who committed such crimes ranged from 7.9 to as high as 13.6.

I wish to repeat what I stated some time ago, that in giving these figures I do not want anyone to think I am expressing malice or hatred or animosity against the colored people. Far be it from me to have that in mind. I am merely presenting the figures to show that there must be something wrong in the manner and method in which the colored people are treated in the North in contrast with the treatment they receive in the South, because, as I pointed out 3 days ago, when I began this speech, the figures respecting crimes committed throughout the country, show that the colored people of the South, where the ratio of colored population compared with that in the North is 3 to 1, committed fewer crimes, or fewer of them were incarcerated in Federal and State prisons, than in the North.

Then I compared the ratios, as between white and colored, in cities of about simi-

lar population, such as Washington and the city of New Orleans from which I come. In the city of New Orleans, where the colored population compared to white is about the same as in the city of Washington, the ratio was for every white person was 2.1 to 4 colored. In Washington, however, for one white it ranged from 5.4 to as much as 9.6 colored.

I now propose to take another city, Houston, Tex. I am sorry, as I indicated yesterday, that I was unable to get for today the entire over-all picture for the city of Houston. It is rather a big job for the police department of that city to furnish the figures for all the years for which I asked. But I did obtain from the chief of police of the city of Houston the facts and figures respecting the years 1935, 1936, and 1937. I have the facts and figures for the city of Detroit for the years 1935 and 1936, but I was unable to get them for the years 1937 to 1942, inclusive. Promise was made that in the course of time those figures would be furnished me, and if and when I receive them during the course of next week, when I continue this speech, I expect to put them in the RECORD.

Mr. President, I shall now give the figures furnished me for the city of Houston and the city of Detroit for the years 1935 and 1936. In 1935 the whites constituted 74 percent and the Negroes 21 percent of the entire population of the city of Houston.

In 1935 the whites constituted 91 percent plus and the colored constituted 8 percent plus of the entire population of Detroit. In other words, there were 13 percent more colored in Houston than in Detroit, when we consider the total population of those cities.

Let us now see what the figures show as to crimes committed. The crimes for which I have heretofore submitted figures are those of murder, manslaughter, rape, robbery, aggravated assault, burglary, theft, and auto theft.

The number of whites arrested in the city of Houston for murder during 1935 was 8. The number of Negroes 28.

In Detroit the number of whites arrested for murder and manslaughter was 103, and Negroes 39.

In other words in Detroit the Negroes, who constituted only 8 percent of the total population, as compared with a Negro population of 21 percent in Houston, committed 11 more murders than were committed by Negroes in the city of Houston.

Five white persons were arrested in Houston for committing rape, in contrast with eight colored persons arrested for the same crime. In Detroit 49 white persons were arrested for the crime of rape, in contrast with 28 colored.

For robbery in Houston, 112 whites were arrested in contrast with 100 colored. In Detroit 150 whites were arrested for robbery and 70 colored.

For aggravated assault, 172 whites were arrested in Houston and 82 Negroes. In Detroit 53 whites were arrested, in contrast with 87 colored.

For the crime of burglary, 198 whites were arrested in Houston, compared to 256 colored. In the city of Detroit 238 whites were arrested for burglary, compared to 163 colored.

For the crime of larceny, 239 whites were arrested in Houston, compared to 151 colored. In Detroit the number of whites arrested was 1,079 and the colored 674.

Arrests for auto theft in the city of Houston, 351 whites, in contrast to 46 colored. In Detroit the number of whites arrested for auto theft was 98, compared with 23 colored.

Mr. President, bear in mind the difference in the percentage of population between the colored of Detroit and the colored of Houston. The colored in Houston represent 21 percent of the total population, and the colored in Detroit represent 8 percent of the total population.

I now give the total number. In the city of Houston the total number of whites arrested was 1,085, and in the city of Detroit the total number of whites arrested was 1,770.

In Houston the total number of colored arrested was 671, in contrast to a total number of colored arrested in Detroit of 1,084.

On the basis of 10,000 the population of the city of Houston, 50 whites were arrested for the categories of crimes I have just enumerated, compared to 106 colored. The ratio of colored was 2.1 to 1 white.

On the basis of 10,000 of the population of the city of Detroit the number of whites arrested was 12 and the number of colored arrested was 90.

Or, to put it in another way, for every white person arrested in Detroit for any of the crimes enumerated, the figure for colored persons was 7.5, whereas for every white person arrested in Houston for committing these crimes, the figure for colored was 2.1. I think the figures I have just given are significant, Senators—I mean Senator. [Laughter.]

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Utah.

Mr. MURDOCK. I have enjoyed listening to the address being made by the distinguished Senator. I am wondering now, inasmuch as we have the Senate Chamber pretty much to ourselves, that is since there are only three on this side of the aisle—

Mr. ELLENDER. Mr. President, I overlooked the Senator from Massachusetts [Mr. SALTONSTALL]. I beg his pardon.

Mr. MURDOCK. Will the Senator now in simple terms which I can understand tell me what conclusion he draws from the statistics he has just given? They are interesting to me, but I wonder what conclusion would be the proper one to draw, and what the distinguished Senator concludes from the statistics he has given.

Mr. ELLENDER. Mr. President, as I indicated on two or three occasions on the floor of the Senate in the last 2 or 3 days—

Mr. MURDOCK. I apologize to the Senator for not having been here.

Mr. ELLENDER. I am sorry the Senator was not here, but I shall cheerfully repeat some of the reasons I have given for the situation which exists, as shown

by the figures I have placed in the RECORD. One reason is that when a colored man goes up North he attempts to rub elbows with the white people. The white people in the North have less regard for him than do the people of the South, where a colored man would never attempt to rub elbows with the white people.

Then again there are laws on the statute books in Northern States, which I expect to read to the Senate next week, passed by 18 States, which permit the colored to eat and drink in the same restaurants and barrooms and to sleep in the same hotels, and even to be buried in the same cemeteries with the whites. Laws have been passed which permit Negroes to swim in the same swimming pool as the white people use, and when the poor devils come to exercise that right they get into trouble.

We do not do that down South. We never place a law on the statute books which gives the colored man a certain right unless we expect him to exercise it. My contention is that the laws in question were placed on the statute books of the various Northern States in order to appease a small, miserable political group of colored people in the large cities so they probably would vote "with us" in a certain election. For example, in the great State of Pennsylvania the colored population represents approximately 4.7 percent of the total population; and the major segment of the colored population is in Pittsburgh and Philadelphia. Is it possible to believe that the influence of the colored people in Pittsburgh and Philadelphia is so powerful that they can go to the legislature at Harrisburg and have laws enacted giving the colored people the right to swim in the same swimming pools with white people? I know that the white people do not want that, but politicians try to win votes by appeasing the colored people. They say, "We will help you in the legislature to put over anything you want to protect your race in Pennsylvania." The Legislature of Pennsylvania even enacted a law giving colored people the right to marry white persons. A similar law was enacted in Illinois. Do Senators know that 18 States of the Union have enacted laws permitting whites and blacks to marry? Why was that done? Does anyone suppose that the white people of those States had anything to say about it? I know very well that they did not.

Mr. MURDOCK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Louisiana yield to the Senator from Utah?

Mr. ELLENDER. I yield.

Mr. MURDOCK. The facts which the Senator is giving us are very interesting; but it seems to me that he is trying to prove a point by statistics—

Mr. ELLENDER. That is one way to do it.

Mr. MURDOCK. In my opinion it is rather unfair, unless more facts are presented than the Senator has given.

The Senator is very much interested in housing. I do not know of any Senator who has given more intelligent study to

housing problems than has the distinguished Senator from Louisiana. I, too, have given considerable study to that question. The mayors of the great metropolitan centers of the country who have testified before the Committee on Banking and Currency have told us that a large percentage of the crime and disease found in those cities occurs in the slums, the blighted districts. That indicates that the housing of people—in other words, their environment—has a tremendous influence on their lives, on whether or not they commit crimes, and whether or not they enjoy good health. While the statistics with respect to crime are revealing, before coming to a definite conclusion I should like to know the housing relationship as between the white people in Detroit and the colored people in Detroit. I should like to know whether the housing relationship in Detroit is similar to the housing relationship in Houston, New Orleans, and other southern cities. I wish to be fair in this matter. I cannot come to a conclusion merely from the criminal records of the two groups in the various cities unless I also have information as to the conditions under which they live. Am I correct or am I mistaken?

Mr. ELLENDER. The Senator is eminently correct. I am satisfied that environment has a great deal to do with crime. However, the Senator must not overlook the fact that there are many poor white people in our large cities. The figures which I am submitting are not selected figures dealing with people in the upper crust of society. They deal with all the people; and the same argument which applies to the poor white people in the South and the North also applies to the poor colored people in the South and in the North.

The Senator mentions housing. About 3 months ago I was in New Orleans attending a meeting with respect to the housing bill which, as the Senator knows, I am sponsoring before the Senate. I was shown places in the city of New Orleans where as many as 14 families lived in buildings with one toilet and one bathroom. The places were formerly occupied by 2 or 3 families instead of 14. I admit that such a situation is bound to aggravate conditions affecting crime; but do not forget that the same argument applies to the poor white people in the larger cities as applies to the poor colored people. There is no difference.

Mr. MURDOCK. Mr. President, will the Senator further yield?

Mr. ELLENDER. I yield.

Mr. MURDOCK. The Senator says that, as a result of the laws which have been enacted in the North, when the Negro comes from the South to the North he begins rubbing elbows with the white people in Detroit, Pittsburgh, or Philadelphia. Before coming to a conclusion from the criminal records which the distinguished Senator has pointed out, I should like to know something about the white people with whom the Negro rubs elbows. That factor may have something to do with the statistics related by the Senator. The fact that there is more crime among Negroes in those cities than there is in the South

may result from the fact that the Negro, by reason of his economic status, is forced to rub elbows constantly with the criminal elements in the large cities.

Mr. ELLENDER. That is not the case.

Mr. MURDOCK. I say, if that is the case, it may be an explanation of the condition. I do not know, and the Senator's statistics do not tell me anything on that point. If that be the case, I should like to look a little deeper than the Senator is looking.

Mr. ELLENDER. I have only started. This is only a cog in the wheel. I am laying the foundation to show the condition which exists, and as I proceed I shall offer further proof.

Mr. MURDOCK. The Senator, I am sure, wishes to be fair. Before he comes to definite conclusions it might pay him to find out just what the relationship is, and the type of white people with whom the Negro, because of his economic status, is forced to rub elbows in those cities.

Mr. ELLENDER. To my way of thinking, the white people of the North do not like the Negro as much as we like him in the South. Every effort was made to prevent Negroes from working in factories in the North. It has been only lately that the unions in the North have permitted colored people to join them. Why was that? I say it was because they did not like them. Whenever Negroes tried to work in factories side by side with the white people of the North, the white people did not like them. But I could show the Senator any number of factories in the South in which, over a period of years, the two races have been working together continuously; and no serious objection has been urged to giving Negroes full employment, in whatever jobs they are best qualified to fill. But the situation in the North is different; at least, it was different before the war. The Committee on Fair Employment Practice may have brought about some change.

As I have said on many occasions, the colored people of the South are the wards of the white people of the South. We understand them. We never attempt to give them a right by law which we do not expect them to exercise. We do not coddle them. We do not appease them, as is being done in the North. To my way of thinking, that is one of the reasons why there is such a large difference in the ratio of crimes committed by the two races, and the number of crimes committed by the colored people of the South as compared with those committed by Negroes in the North. Probably there are more poor Negroes in the South than there are in the North. The statistics which I have presented for the RECORD during the past 3 days show that 3,600,000 colored people who live in the North commit more crimes than all the colored people in the South.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. TUNNELL. I should like to know how many of the 3,600,000 were born in the South.

Mr. ELLENDER. Practically all of them.



Mr. TUNNELL. It is the criminal element which is driven North.

Mr. ELLENDER. Oh, no.

Mr. TUNNELL. Oh, yes. We encounter that situation right along.

Mr. ELLENDER. Many good colored people go from the South to the North. I would not want to bring such an indictment against the colored people.

Mr. TUNNELL. I simply wish to say that in Delaware we have very little trouble with the Negroes born there. The trouble we have is with what are generally known as "roadsters," those who come from the South, who work their way north with the crops, as they mature. They seem to be the criminal element from the South. I do not know why there should be any criminals left in the South.

Mr. ELLENDER. The figures show that the colored people in the South commit far fewer crimes than those in the North commit.

Mr. TUNNELL. I do not think any criminals are left in the South; I think they have gone to the North.

Mr. ELLENDER. I hope so, and I trust they will be punished for the crimes they may commit.

Mr. TUNNELL. We have some who commit crimes; but, as the Senator said, a very large percentage of the 3,000,000 Negroes in the North have come from the South. If the statistics are presented in such a way as to show the facts, it will be found that the convictions among Negroes in the North are coming from that element.

Mr. ELLENDER. Perhaps the Senator has something there. I never ventured to look at the matter from that standpoint. But I venture to say that of the 3,600,000 Negroes now in the North, perhaps as few as 35 percent of them were born in the North.

Mr. TUNNELL. I imagine that more than 35 percent of the Negroes in my State were born there.

Mr. ELLENDER. I am speaking generally. I do not have the figures available now. But, for instance, in the city of Detroit, between 1930 and 1940 the Negro population increased by 29,000.

Mr. TUNNELL. I do not think the statistics will show that the northern-born Negro is very much different, in respect to his obedience to the law, from the whites around him. On the other hand, in Delaware we have Negroes who have left their homes in the South, principally in North Carolina, South Carolina, and Virginia. They pass through our State. Some of them dodge it because we have the whipping post. But they are the ones whose names get into the criminal records of our State—Negroes who come from the South and pass through Delaware on their way to the North. As a rule they do not live in Delaware; they do not stay there. They simply pass through our State.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MURDOCK. I assume that the statistics to which the Senator from Lou-

isiana has referred are for convictions in the courts.

Mr. ELLENDER. Yes. They were furnished to me by the chiefs of police of the city of Detroit and the city of Houston.

Mr. MURDOCK. Of course, I assume that the statistics are not segregated as between convictions before a jury and convictions simply by a plea of guilty.

Mr. ELLENDER. No; they are not.

Mr. MURDOCK. I wonder whether the larger percentage which is found in the northern cities may result from the fact that the Negro criminals are not financially able to hire or employ the same grade of attorney as the white criminals are able to employ. In my opinion, if that be a fact, we could charge some of the difference in percentage to that factor.

Mr. ELLENDER. It is possible; but the same factor would apply to the white poor folk. Many of them cannot afford to employ attorneys.

Mr. MURDOCK. That is true.

Mr. ELLENDER. The figures I have submitted apply to the whole white population and the whole colored population. In the statistics there is no effort to present separate figures for the various classes of either the white people or the colored people. The statistics apply to the upper crust as well as to the lower.

Mr. MURDOCK. But does not the Senator think that therein lies a fallacy in the statistics? If people in the same economic status were compared, it seems to me, the picture would be much more conclusive than the one the Senator has portrayed.

Mr. ELLENDER. I do not think the statistics are in anywise fallacious. If I were to cite statistics applicable to only one city, for which the ratio was, let us say, 1 to 6, and if the corresponding ratio for the other cities was far different, I should say there might be some substance to what the Senator suggests. But for all the cities I have mentioned—Washington, Detroit, Cincinnati—and for many of the other cities to which I shall presently refer, the proportion or the ratio runs about the same. The ratio between the whites and the blacks is approximately the same for all those cities. It ranges up to as high as 5½. In one instance—and it is only one—it is 13.6, as I pointed out yesterday. I think I have another set of statistics for Detroit which shows a ratio of 16.4. But those are exceptions; I do not mean to say that all are the same. But as between all the large cities, the ratio is generally very much the same. All the ratios are quite close together; generally they are almost on an even keel, so to speak. That is what is convincing to me.

Mr. President, I concluded reading the statistics for 1935 for the cities of Detroit and Houston, and I now ask unanimous consent to have the tables from which I have read printed at this point in the RECORD, as a part of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

*Arrests, city of Houston, 1935*

	Whites	Negroes	Total
Murder.....	8	28	36
Manslaughter.....	0	0	0
Rape.....	5	8	13
Robbery.....	112	100	212
Aggravated assault.....	172	82	254
Burglary.....	198	256	454
Theft, felony.....	239	151	390
Auto theft.....	351	46	397
Total.....	1,085	671	1,756
Rate per 10,000 population.....	50	106	

Population:	
Whites (74 percent).....	214,687
Negroes (21 percent).....	63,337
Others.....	14,328
Total.....	292,352

Crime figures furnished by chief of police, Houston, Tex.

Population figures taken from 1930 census (U. S. Bureau of the Census).

*Persons charged resulting in prosecution, city of Detroit, 1935*

	Whites	Negroes	Total
Murder.....	103	39	142
Manslaughter.....	49	28	77
Rape.....	150	70	220
Robbery.....	53	87	140
Aggravated assault.....	238	163	401
Burglary.....	1,079	674	1,753
Larceny.....	98	23	121
Automobile theft.....			
Total.....	1,770	1,084	2,854
Rate per 10,000 population.....	12	90	

Population:	
White (91 percent).....	1,440,141
Colored (8 percent).....	120,066
Other.....	8,455
Total.....	1,568,662

Crime figures taken from Annual Report of Detroit Police Department, 1935.

Population figures taken from 1930 census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, now let us consider the statistics for the year 1936. I shall read the statistics by cities, and then shall give the totals, just to show the ratio, for that is what I now wish to emphasize more than anything else.

Let us begin with the city of Houston, for which I now hold in my hand a tabulation of the statistics for the year 1936. Please bear in mind that the Negro population in Houston is 21 percent of the whole population. Of course, the remainder of the population is chiefly white, although there are a few others. Whenever reference is made to "others," it must be borne in mind that in Houston there are a few Indians and a few Mexicans, just as there are groups of others in the city of Detroit. But in 1936, the proportion of the population as between whites and colored in the city of Houston was 74 percent to 21 percent, and in Detroit it was 91 percent to 8 percent.

The following are the statistics for the city of Houston for the year 1936: Murder, whites 15, Negroes 40; manslaughter, none reported; rape, whites 11, Negroes 9; robbery, whites 63, Negroes 75; aggravated assault, whites 166, Negroes 73; burglary, white 189, Negroes 227; theft,

felony, whites 214, Negroes 138; auto theft, whites 275, Negroes 48.

Total: Whites 938, Negroes 610. Rate per 10,000 of population: Whites 44, Negroes 96. The ratio was 2.2. For the previous year it was 2.1.

Now let us consider the situation in the city of Detroit, where, I repeat, the population was 8 percent colored and 91 percent white. These are the statistics for the year 1936: Murder and manslaughter, 84 whites, 31 colored; rape, 33 whites, 42 colored; robbery, 184 whites, 54 colored; aggravated assault, 68 whites, 111 colored; burglary, 163 whites, 121 colored; larceny, 839 whites, 522 colored; auto theft, 84 whites, 21 colored.

Total: 1,455 whites, 899 colored. Rate per 10,000: Whites 10, colored 75. The ratio in that case happens to be the same as that for the previous year, namely, for every white man who committed one of those crimes in the city of Detroit 7.5 colored people committed similar crimes—in contrast to the situation in the city of Houston, where, for the same year, the ratio was 2.1.

I ask unanimous consent to have these tables printed at this point in the RECORD, as a part of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

#### Arrests, city of Houston, 1936

	Whites	Negroes	Total
Murder.....	15	49	55
Manslaughter.....	0	0	0
Rape.....	11	9	20
Robbery.....	68	75	143
Aggravated assault.....	166	73	239
Burglary.....	189	227	416
Theft, felony.....	214	188	352
Automobile theft.....	275	48	232
Total.....	938	610	1,548
Rate per 10,000 population.....	44	96	

Population:			
Whites (74 percent).....			214,687
Negroes (21 percent).....			63,337
Others.....			14,328
Total.....			292,352

Crime figures furnished by chief of police, Houston, Tex.

Population figures taken from 1930 census (U. S. Bureau of the Census).

#### Persons charged resulting in prosecution, city of Detroit, 1936

	Whites	Negroes	Total
Murder.....	84	31	115
Manslaughter.....			
Rape.....	33	42	75
Robbery.....	184	54	238
Aggravated assault.....	68	111	179
Burglary.....	163	121	284
Larceny.....	839	522	1,361
Automobile theft.....	84	21	105
Total.....	1,455	899	2,344
Rate per 10,000 population.....	10	75	

Population:			
White (91 percent).....			1,440,141
Colored (8 percent).....			120,066
Total.....			1,560,207
Other.....			8,455
Total.....			1,568,662

Crime figures taken from Annual Report of Detroit Police Department, 1936.

Population figures taken from 1930 census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, I have one other table for the city of Houston.

As I indicated a while ago, I do not have the 1937 figures for the city of Detroit. I understand the officials of Detroit could not furnish them. But for the benefit of the Senate, I shall present the figures for the city of Houston for 1937. They are as follows: Murder, 20 whites, 31 Negroes; manslaughter, not reported; rape, 6 whites, 20 Negroes; robbery, 106 whites, 83 Negroes; aggravated assault, 203 whites, 103 Negroes; burglary, 149 whites, 332 Negroes; theft, felony, 186 whites, 140 Negroes; auto theft, 294 whites, 62 Negroes.

Total: 964 whites, 771 Negroes. Rate per 10,000 of population: Whites 45, Negroes 122—or a ratio of 2.7. The increase of ratio, as compared to the ratio for the previous year, is one-half of 1 percent.

I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD, as a part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

#### Arrests, city of Houston, 1937

	Whites	Negroes	Total
Murder.....	20	31	51
Manslaughter.....	0	0	0
Rape.....	6	20	26
Robbery.....	106	83	189
Aggravated assault.....	203	103	306
Burglary.....	149	332	481
Theft, felony.....	186	140	326
Auto theft.....	294	62	356
Total.....	964	771	1,735
Rate per 10,000 population.....	45	122	

Population:			
Whites (74 percent).....			214,687
Negroes (21 percent).....			63,337
Others.....			14,328
Total.....			292,352

Crime figures furnished by chief of police, Houston, Tex.

Population figures from 1930 census (U. S. Bureau of the Census).

Mr. ELLENDER. I now continue with the remainder of the statistics which I have for the city of Detroit, covering the year 1943. In that year the Negro population had increased, as I indicated a while ago to the distinguished Senator from Delaware, from 8 percent to 9.2 percent as compared with 1940. The whites represented 90.7 percent of the total population, and the colored represented 9.2 percent of the total population.

Murder and manslaughter, whites 66, Negroes 63; rape, whites 77, Negroes 71; robbery, whites 154, Negroes 158; aggravated assault, whites 82, Negroes 185; burglary, whites 90, Negroes 314; larceny, whites 226, Negroes 393; auto theft, whites 90, Negroes 41. Total: Whites 785, Negroes 1,225.

Here we have the following situation: The white population consists of 90.7 percent of the entire population, as I have heretofore indicated, and the colored consists of 9.2 percent of the entire population. Yet Negroes committed 350-plus more of these crimes in 1943 than did the whites. Putting the situation another way, the rate per 10,000 population is, whites 5; Negroes, 82. The ratio was 16.4. In other words, for every white man who committed one of these crimes in the city of Detroit during the year

1943, 16.4 Negroes committed similar crimes.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

#### Persons charged resulting in prosecution, city of Detroit, 1943

	Whites	Negroes	Total
Murder.....	66	63	129
Manslaughter.....			
Rape.....	77	71	148
Robbery.....	154	158	312
Aggravated assault.....	82	185	267
Burglary.....	90	314	504
Larceny.....	226	393	759
Auto theft.....	90	41	131
Total.....	785	1,225	2,250
Rate per 10,000 population.....	5	82	

Population:			
Whites (90.7 percent).....			1,472,662
Colored (9.2 percent).....			149,119
Total.....			1,621,781
Other.....			1,671
Total.....			1,623,452

Crime figures taken from Annual Report of Detroit Police Department, 1943.

Population figures taken from 1940 census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, I now proceed to the year 1944 and conclude the figures for the city of Detroit:

Murder and manslaughter, whites 56, Negroes 48; rape, whites 69, Negroes 61; robbery, whites 124, Negroes 181; aggravated assault, whites 284, Negroes 98; burglary, whites 234, Negroes 175; larceny, whites 392, Negroes 410; auto theft, whites 120, Negroes 46.

Total: Whites 1,279, Negroes 1,019.

The rate per 10,000 population: Whites 9, Negroes 68.

The ratio of crimes committed is 1 white to 7.6 Negro. I repeat that the difference in population was 9.2 percent colored and 90.7 percent white.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

#### Persons charged resulting in prosecution, city of Detroit, 1944

	Whites	Negroes	Total
Murder.....	56	48	104
Manslaughter.....			
Rape.....	69	61	130
Robbery.....	124	181	305
Aggravated assault.....	284	98	382
Burglary.....	234	175	409
Larceny, theft.....	392	410	804
Auto theft.....	120	46	162
Total.....	1,279	1,019	2,100
Rate per 10,000 population.....	9	68	

Population:			
White (90.7 percent).....			1,472,662
Colored (9.2 percent).....			149,119
Total.....			1,621,781
Other.....			1,671
Total.....			1,623,452

Crime figures taken from Annual Report of Detroit Police Department, 1944.

Population figures taken from 1940 census (U. S. Bureau of the Census).



Mr. ELLENDER. Mr. President, I shall now give some figures with respect to the city of Baltimore. Baltimore is not far from the city of Washington. Strange as it may seem, for the years 1935 up to 1940, when the census was taken, the city of Washington had about a 10 percent greater colored population than did the city of Baltimore. The ratio as between the whites and colored in Baltimore was somewhat less than the ratio between the whites and the colored in the city of Washington. That fact may perhaps account—I would not say that it would account for a certainty—for the ratio of crimes as between the whites and colored people in the city of Baltimore being a little lower than in the city of Washington.

Here are the figures for the city of Baltimore during 1935: Murder, whites 19, Negroes 34; manslaughter, whites 151, Negroes 24; rape, whites 36, Negroes 28; robbery, whites 154, Negroes 216; aggravated assault, whites 62, Negroes 66; burglary, whites 615, Negroes 746; larceny, whites 1,490, Negroes 1,575. No record was kept for auto theft for the year 1935. I note that in the data which I have concerning the city of Baltimore, the record as to auto theft was not kept separate from other forms of theft. I ask Senators to bear in mind that the white population of the city of Baltimore was 82 percent of the whole, and that the colored population was 18 percent of the whole. Yet we find that almost 162 fewer white persons committed crimes in the categories to which I have referred than did Negroes. The total is: Whites 2,527, Negroes 2,689. The rate per 10,000 population, whites 38, Negroes 189. The ratio was 1 to 5.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Baltimore, 1935

	Whites	Negroes	Total
Murder.....	19	34	53
Manslaughter.....	151	24	175
Rape.....	36	28	64
Robbery.....	154	216	370
Aggravated assault.....	62	66	128
Burglary.....	615	746	1,361
Larceny.....	1,490	1,575	3,065
Auto theft.....	(1)	(1)	(1)
Total.....	2,527	2,689	5,216
Rate per 10,000 population.....	38	189	
Population:			
White (82 percent).....	662,124		
Colored (18 percent).....		142,106	
Total.....	804,230		
Other.....		644	
Total.....		804,874	

Crime figures taken from Report of the Police Commissioner for the City of Baltimore for the year 1935.  
Population figures taken from 1930 census (U. S. Bureau of the Census).

<sup>1</sup> Not shown separately in report; probably included under larceny.

Mr. ELLENDER. I now read the figures for the year 1936 for the city of Baltimore. I repeat that the statistics

which I have been reading were furnished to me from the reports of the police commissioner for the city of Baltimore. The population figures referred to in the table were taken from the 1930 United States Census.

Murder, whites 12, Negroes 58; manslaughter, whites 97, Negroes 28; rape, whites 21, Negroes 45; robbery, whites 152, Negroes 256; assault, whites 98, Negroes 97; burglary, whites 652, Negroes 903; larceny, whites 1,357, Negroes 1,625.

I ask Senators to bear in mind that, as I indicated a while ago, the population of Baltimore consists of 82-percent white and 18-percent colored. The whites committed approximately 700 fewer of these crimes than did the Negroes. The rate per 10,000 population was whites 36, Negroes 212. For each white man who committed one of these crimes during the year 1936 in Baltimore, 5.9 Negroes committed similar crimes.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Baltimore, 1936

	Whites	Negroes	Total
Murder.....	12	58	70
Manslaughter.....	97	28	125
Rape.....	21	45	66
Robbery.....	152	256	408
Assault.....	98	97	195
Burglary.....	652	903	1,555
Larceny.....	1,357	1,625	2,982
Total.....	2,389	3,012	5,401
Rate per 10,000 population.....	36	212	
Population:			
White (82 percent).....	662,124		
Colored (18 percent).....		142,106	
Total.....	804,230		
Other.....		644	
Total.....		804,874	

Crime figures taken from Report of the Police Commissioner for the City of Baltimore for the year 1936.  
Population figures taken from 1930 census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, I now give the figures for the city of Baltimore for 1939: Murder, whites 15, Negroes 73; manslaughter, whites 152, Negroes 43; rape, whites 24, Negroes 44; robbery, whites 155, Negroes 295; assault, whites 1,925, Negroes 2,530; burglary, whites 579, Negroes 798; larceny, whites 1,547, Negroes 1,645. Total, whites 4,397, Negroes 5,428.

In other words, in a population of which the whites consisted of 82 percent and the colored consisted of 18 percent, the Negroes committed 1,000-plus more of these crimes than did the whites. The rate per 10,000 was whites 66, Negroes 382. The ratio was 1 white for 5.8 Negroes.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Baltimore, 1939

	Whites	Negroes	Total
Murder.....	15	73	88
Manslaughter.....	152	43	195
Rape.....	24	44	68
Robbery.....	155	295	450
Assault.....	1,925	2,530	4,455
Burglary.....	579	798	1,377
Larceny.....	1,547	1,645	3,192
Total.....	4,397	5,428	9,825
Rate per 10,000 population.....	66	382	
Population:			
White (82 percent).....	662,124		
Colored (18 percent).....		142,106	
Total.....	804,230		
Other.....		644	
Total.....		804,874	

Crime figures taken from Report of the Police Commissioner for the City of Baltimore for the year 1939.  
Population figures taken from the 1930 census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, the 1940 census showed a very slight change in the colored population of Baltimore. The difference was less than 1 percent, as compared to the previous decade. In other words, the population of the city of Baltimore was: Whites, 82.1 percent; colored, 17.9 percent, or almost the same as under the previous census. The ratio was about the same as for the years I have given—just under 5 to 1.

For the year 1940, the figures are as follows:

Murder, whites 16, Negroes 72; manslaughter, whites 120, Negroes 23; rape, whites 29, Negroes 43; robbery, whites 172, Negroes 384; assault, whites 1,961, Negroes 2,636; burglary, whites 717, Negroes 769; larceny, whites 1,577, Negroes 1,731.

Total: Whites 4,592, colored 5,658.

In other words, 18 percent of the population of Baltimore, consisting of colored people, committed almost 1,100 more of these crimes than the white population, which constituted 82 percent of the total. The rate per 10,000 was, whites 66, Negroes 341, or, to put it in another way, the ratio was 1 to 5.2.

Mr. President, I ask that the table referred to be printed in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Baltimore, 1940

	Whites	Negroes	Total
Murder.....	16	72	88
Manslaughter.....	120	23	143
Rape.....	29	43	72
Robbery.....	172	384	556
Assault.....	1,961	2,636	4,597
Burglary.....	717	769	1,486
Larceny.....	1,577	1,731	3,308
Total.....	4,592	5,658	10,250
Rate per 10,000 population.....	66	341	
Population:			
White (82 percent).....	662,106		
Colored (17.9 percent).....		165,843	
Total.....	827,949		
Others.....		552	
Total.....		828,501	

Crime figures taken from Report of the Police Commissioner for the City of Baltimore for the year 1940.  
Population figures taken from the 1940 census (U. S. Bureau of the Census).

Mr. ELLENDER. In the same city for 1941 the figures were as follows: Murder, whites 10, Negroes 37; manslaughter, whites 7, Negroes none; rape, whites 20, Negroes 73; robbery, whites 127, Negroes 419; assault, whites 2,692, Negroes 3,296; burglary, whites 713, Negroes 926; larceny, whites 1,881, Negroes 2,220; total, whites 5,450, Negroes 7,021.

The difference between the two amounts to almost 1,600. In other words, 18 percent of the population of Baltimore, consisting of colored people, committed 1,600 more crimes than the rest of the people of that city, who constituted white persons, and were 82 percent of the entire population. To put it another way, the ratio per 10,000 was whites 79, Negroes 423, or a ratio of 1 to 5.3.

Mr. President, I ask unanimous consent that the table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Arrests, city of Baltimore, 1941*

	Whites	Negroes	Total
Murder.....	10	37	97
Manslaughter.....	7	0	7
Rape.....	20	73	93
Robbery.....	127	419	546
Assault.....	2,692	3,296	5,988
Burglary.....	713	926	1,639
Larceny.....	1,881	2,220	4,101
Total.....	5,450	7,021	12,471
Rate per 10,000 population.....	79	423	-----
Population:			
White (82.0 percent).....	692,705		
Colored (17.9 percent).....	165,843		
Total.....	858,548		
Other.....	552		
Total.....	859,100		

Crime figures taken from the Report of the Police Commissioner for the City of Baltimore, for the year 1941.

Population figures taken from the 1940 census (U. S. Bureau of the Census).

Mr. EASTLAND. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. EASTLAND. I have been struck by the statements just made by the distinguished Senator. I should like to know whether the Senator has the figures for the city of New York, where all the racial demagoguery is found, and where live those who preach racial equality.

Mr. ELLENDER. I have made every effort to obtain the figures for New York, but I understand the authorities do not segregate the colored from the whites, put them all in the same pot. No distinction is made. I think the same course is followed in Chicago. There is no attempt to differentiate between the whites and the colored in the commission of crimes. They seem to put them all on the same basis.

Mr. EASTLAND. Is it the Senator's opinion that the same ratio would hold true?

Mr. ELLENDER. I would say it might be more. I may be wrong in my conclusion, but I would say to the Senator that

wherever colored people are permitted to congregate to themselves they usually commit more crimes than if they are segregated over an area. In Harlem, where there are I think 450,000 colored people living together, the Lord only knows what goes on. The police of New York cannot keep up with them. I am sure that if the facts were known and we were able to separate the figures the ratio as between whites and colored in the city of New York would probably be shown to be what it is in Cincinnati. I presume the Senator was not present yesterday when I read the figures for Cincinnati. In some instances the ratio was as high as 16.6 colored to 1 white man in that city.

Mr. EASTLAND. I think the ratio is higher in places where there is a great amount of racial demagoguery, and agitation about racial equality.

Mr. ELLENDER. That is the cause of all this discussion. As I indicated, and as the Senator from Mississippi has indicated, the measure which is now being considered, and similar measures which were considered in the past, such as the antilynching bill, and the anti-poll-tax bill, were submitted to the Congress with a view to appeasing a certain group of demagogues in New York. There are some in the city of Washington. I have referred to them several times, the colored "brain trust."

Mr. EASTLAND. Is Judge Hastie one of them?

Mr. ELLENDER. I do not know. He is not named among them. He might be one. I do not want to do him an injustice. This small group of colored leaders say they represent all the colored people throughout the country. I doubt that very much. As I indicated on two or three occasions, I doubt that they represent a hundred thousand of them.

Mr. EASTLAND. As the distinguished Senator knows, the mulattoes are the ones who want racial equality. The real Negro does not want racial equality.

Mr. ELLENDER. I do not know, but I think all of them would like to get it, and they will continue coming to Congress every year. Pass this bill and the next time they will want to go a step further.

Mr. EASTLAND. But they are not going to get this bill passed.

Mr. ELLENDER. Of course not; not if I can prevent it.

Mr. EASTLAND. The bill will be on ice in a few hours.

Mr. ELLENDER. I hope so. I do not wish to express too much optimism, but, so far as I am concerned, if talking can put it to death, I am going to talk as long as God gives me breath. I have said that on two or three occasions. This is the fourth day I have been speaking, and I am not the least bit tired yet. I think I can go five or six more days without any effort.

Mr. EASTLAND. The distinguished Senator has made a marvelous speech, but if he should become tired he would have plenty of assistance.

Mr. ELLENDER. Do not say it is a fine speech. I am merely submitting figures, which is something one of the

page boys of the Senate could do as well as I.

Mr. EASTLAND. Does not the Senator think the cure for all the racial agitation is taking the doctrine of white supremacy to the American people?

Mr. ELLENDER. Of course.

Mr. EASTLAND. And showing the American people the value of race—showing them that race is everything in American life?

Mr. ELLENDER. The quicker the politicians of the Nation realize that this country will not survive unless we have white supremacy, the better off we will be. There can be no question about that. The Senator is becoming a little bit excited about the matter. I should like to discuss what occurred not far from here, in Haiti, during Napoleon's time. I note the senior Senator from Louisiana [Mr. OVERTON] sitting before me. He will recall, no doubt, that there was in Haiti a population of several hundred thousand—50,000 of them white.

At that time Haiti was a province of France. Napoleon, who was then Emperor of France, was under the impression that the British, who had a navy superior to that of France, would capture Haiti and declare it an English possession. In order to thwart the design of the British, Napoleon gave the Haitians their freedom. Before their freedom was given them, 50,000 white people ruled the several hundred thousand colored without any effort, without any trouble. Ever since the colored people obtained their independence and took charge of Haiti, there has been chaos. As Senators know, in 1915 we had to send marines to Haiti to keep order, and the trouble has been going on ever since the colored people have been in charge of Haiti.

I do not want to see such a condition as that ever exist in this country and that is why I am willing to stand on this floor as long as God gives me breath, to stop such laws as that now proposed from passing.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. KNOWLAND. I understood the Senator a few moments ago to mention the anti-poll-tax legislation as being in somewhat the same category with the bill now pending.

Mr. ELLENDER. Yes.

Mr. KNOWLAND. I should like to inquire of the distinguished Senator whether he is serving notice on the Senate that the same type of filibuster will be conducted on that proposal when it comes before the Senate for action?

Mr. ELLENDER. Worse. I say that bill is worse than the one now pending, because it is in the teeth and face of the Constitution. With other Senators, I spoke on this floor during a little filibuster, which lasted for about 2 weeks, when the poll-tax bill came up, and I think we proved to the satisfaction of any reasonable man that to abolish the poll taxes through Federal law was absolutely unconstitutional. But that did not disturb many Senators on this floor. I say that the bill now being considered trespasses



on many of the sacred rights of our country. It takes away cherished freedoms. There is no question in my mind that we may as well say good-by to private enterprise if a law of this nature is passed, and, as I indicated day before yesterday, if the companion bill, the gold-dust twin of this bill were also to pass—that is the minimum wage bill in its original form—we might as well say a final good-by to free enterprise. When I speak of the minimum wage bill I do not have in mind that portion of the bill which would fix wages, but the provisions of the bill which in effect says that the administrator would have the right to select industry committees for every industry throughout the country, which committees would have the right to go into every man's business, to classify every job holder, and fix a minimum wage for everyone, from the lowest paid to the highest paid. In other words, if that bill were passed in its present form there would be created a commission which would tell industry whom to employ, and how much it should pay. If such a commission as that were created we might as well say good-by to private industry.

Mr. KNOWLAND. Mr. President, will the Senator yield to me again?

Mr. ELLENDER. I yield.

Mr. KNOWLAND. Am I to assume from that statement that on the minimum-wage legislation the Senator would feel justified in conducting the same kind of filibuster?

Mr. ELLENDER. I did not clearly understand the question.

Mr. KNOWLAND. Am I to assume from the most recent statement made by the distinguished Senator that he would feel justified in conducting the same type of filibuster against the minimum-wage legislation?

Mr. ELLENDER. If the provision to which I referred were in the bill, yes. But, fortunately, the committee struck it out, and it will not be presented to the Senate. The same question was asked of me yesterday by the distinguished Senator from Oregon [Mr. MORSE]. No; I would not filibuster against such a bill as the minimum-wage bill. I voted for the minimum-wage law of 1938, and I expect to vote for the present bill if we can have placed in the bill a provision for a minimum wage that is within reason, and a provision as to exemptions. The bill is still before the committee, and I am very hopeful that we can write into the bill a minimum equal to that which prevailed during the war, with a condition that the minimum can be raised to 65 cents if industry committees find that any industry can pay that much. If such a bill as that shall come before the Senate I will not only vote for it but I will do all I can to have it passed.

Mr. OVERTON. Mr. President, will my colleague yield to me?

Mr. ELLENDER. I yield.

Mr. OVERTON. I have been unable to be present during all the remarks made by my colleague. I want to ask him whether he has referred to the repeal of the law which made the payment of the poll tax a prerequisite to voting in the State of Louisiana, and what effect that had by way of increas-

ing the Negro vote in Louisiana? Has the Senator referred to that?

Mr. ELLENDER. No; I have not, but I am glad my colleague has mentioned it.

Mr. OVERTON. Let me ask this question: It is a fact, is it not, that a number of years ago Louisiana repealed the law providing for the payment of a poll tax as a prerequisite to voting?

Mr. ELLENDER. In 1934, and I handled the bill before the Louisiana Legislature.

Mr. OVERTON. Has the repeal of that law increased the number of Negroes who have voted in the State of Louisiana elections?

Mr. ELLENDER. Not to any appreciable extent.

Mr. OVERTON. Is it not a fact that only a comparatively small handful of Negroes vote in Louisiana?

Mr. ELLENDER. Yes.

Mr. OVERTON. Is it not a fact that the Negroes of the State of Louisiana are perfectly well satisfied with the white man's government as being administered in that State?

Mr. ELLENDER. There is no doubt about that, Mr. President, and there is no prohibition whatever against the colored people voting in any of our general elections, as the Senator knows.

Mr. OVERTON. Mr. President, if my colleague will yield further to me, I wish to make the bold statement on the floor of the Senate that, if the junior Senator from Louisiana were up for reelection now, and if his candidacy were submitted to the colored vote of Louisiana only, he would be reelected by a very large majority. That is the attitude the colored race in our State takes toward the white man's government as administered in our State.

Mr. ELLENDER. Mr. President, we never hear of such a proposal as that contained in the legislation now before the Senate unless it is precipitated by agitation on the part of misguided individuals from the North who come to the South and try to stir up sentiment. Of course, we hear such things from colored people from the North who come down South to agitate. Otherwise we never hear of it. As I have pointed out on many occasions, the records show that last year the State of Louisiana spent more for education of the colored people of that State than the State paid in 1909 for education for both the white and colored of the State. That shows the progress we have made in Louisiana. As I have previously stated, up to 25 years ago we had no high schools in my State for the colored people. Today we have them all over the State. At that time we had no colleges for the colored people. We have such colleges now. We have hospitals for the colored. Let us consider the great Charity Hospital in the city of New Orleans. Remember that the colored people comprise about 37 percent of the total population of Louisiana. Forty percent of the patients treated in the great New Orleans Charity Hospital are colored, and they are treated by the same doctors and the same nurses as are the whites. We make no distinction.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. MILLIKIN. I should like to have the Senator yield to me for the purpose of making a few remarks.

Mr. ELLENDER. If the Senator will permit me to finish with three pages with respect to Baltimore, I shall be glad to yield to him.

The figures of arrests in the city of Baltimore for the year 1942 are as follows:

For murder, whites 21, Negroes 112; for manslaughter, whites 183, Negroes 31; for rape, white 43, Negroes 61; for robbery, whites 129, Negroes 606; for assault, whites 3,172, Negroes 3,619; for burglary, whites 488, Negroes 636; for larceny, whites 2,195, Negroes 2,452.

The totals are: Whites, 6,231; Negroes, 7,517. To put it in another way, the rate per 10,000 population is, for whites, 90, and for Negroes, 453, or a ratio of 5 to 1. Bear in mind that the ratio of population for that year and the succeeding years for which I shall read figures was 82 percent whites and 17.9 colored.

I ask unanimous consent that the table for the city of Baltimore for 1942 be printed in the RECORD at this point as part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Baltimore, 1942

	Whites	Negroes	Total
Murder.....	21	112	133
Manslaughter.....	183	31	214
Rape.....	43	61	104
Robbery.....	129	606	735
Assault.....	3,172	3,619	6,791
Burglary.....	488	636	1,124
Larceny.....	2,195	2,452	4,647
Total.....	6,231	7,517	13,748
Rate per 10,000 population.....	90	453	-----

Population:	
White (82.0 percent).....	692,765
Colored (17.9 percent).....	165,843
Total.....	858,608
Other.....	532
Total.....	859,140

Crime figures taken from the Report of the Police Commissioner for the City of Baltimore, for the year 1942.  
Population figures taken from the 1940 census (U. S. Bureau of the Census).

Mr. ELLENDER. The figures showing arrests in the city of Baltimore during the year 1943 are as follows:

For murder, whites 25, Negroes 85; for manslaughter, whites 154, Negroes 35; for rape, whites 34, Negroes 56; for robbery, whites 287, Negroes 554; for assault, whites 3,094, Negroes 3,324; for burglary, whites 870, Negroes 772; for larceny, whites 1,768, Negroes 1,867.

The totals are: For whites 6,232 and for Negroes 6,693. The rate per 10,000 population is 90 for whites and 403 for Negroes, or a ratio of 1 to 4.4. By the way, that happens to be the lowest ratio of any of the years between 1935 and 1944.

I ask unanimous consent that the table for 1943 be printed in the RECORD at this point as part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Baltimore, 1943

	Whites	Negroes	Total
Murder.....	25	85	110
Manslaughter.....	154	35	189
Rape.....	34	56	90
Robbery.....	287	554	841
Assault.....	3,094	3,324	6,418
Burglary.....	870	772	1,642
Larceny.....	1,768	1,867	3,635
Total.....	6,232	6,693	12,925
Rate per 10,000 population.....	90	403	

Population:  
 White (82.0 percent)..... 692,705  
 Colored (17.9 percent)..... 165,843  
 Total..... 858,548  
 Other..... 552  
 Total..... 859,100

Crime figures taken from the Report of the Police Commissioner for the City of Baltimore, for the year 1943.

Population figures taken from the 1940 census (U. S. Bureau of the Census).

Mr. ELLENDER. The figures showing arrests in the city of Baltimore in the year 1944 are as follows:

For murder and manslaughter, whites 143, Negroes 39; for rape, whites 27, Negroes 58; for robbery, whites 151, Negroes 442; for assault, whites 2,771, Negroes 3,248; for burglary, whites 696, Negroes 711; for larceny, whites 1,866, Negroes 1,926.

The totals are: For whites, 5,648, and for Negroes, 6,426.

To put it another way, the rate per 10,000 population was 82 for whites and 387 for Negroes, the ratio being 1 to 4.8.

I ask unanimous consent that the table for 1944 be printed in the RECORD at this point as a part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Baltimore, 1944

	Whites	Negroes	Total
Murder.....	143	39	182
Manslaughter.....	27	58	85
Rape.....	151	442	593
Robbery.....	2,771	3,248	6,019
Assault.....	696	711	1,407
Burglary.....	1,866	1,926	3,792
Larceny.....			
Total.....	5,648	6,426	12,074
Rate per 10,000 population.....	82	387	

Population:  
 White (82 percent)..... 692,705  
 Colored (17.9 percent)..... 165,843  
 Total..... 858,548  
 Other..... 552  
 Total..... 859,100

Crime figures taken from the Report of the Police Commissioner for the City of Baltimore, for the year 1944.

Population figures taken from the 1940 census (U. S. Bureau of the Census).

Mr. ELLENDER. As I have indicated on several occasions, 82 percent of the population of Baltimore is white, as compared with approximately 17.9 percent colored. In the city of Baltimore, in every year of the 9 years since 1935, including 1944, more colored people committed these crimes than did whites.

#### THE WHEAT AND BREAD PROBLEM

During the delivery of Mr. ELLENDER'S speech,

Mr. HATCH. Mr. President, will the Senator yield to me for about 5 minutes?

Mr. ELLENDER. I yield to the Senator from New Mexico.

Mr. HATCH. On yesterday I was mildly irritated at some of the comments I saw coming from certain sources concerning the proposal to have the American people eat bread which would be a little darker than our present white bread. I have not read all the news dispatches which appeared in the newspapers of yesterday, both morning and evening, but yesterday I made some comments in which I expressed my disapproval of anyone who would selfishly try to inject a political issue into this generous program for saving men, women, and little children from starvation. I shall not discuss the question today, but as I said in the beginning, I was mildly irritated when I read some of the comments, but when I read the article I hold in my hand, last night, I was really considerably incensed. I read now from an article which was clipped from the Washington Daily News of yesterday afternoon—a news story. The headline is: "Truman bread health menace?"

This story follows:

Although no public stand has been taken so far by the Department of Agriculture on President Truman's wheat-saving dark-bread program, unofficial antagonism was sharp today—on grounds of the health of the Nation.

Branding the Presidential order "short-sighted," a high Agriculture official said the President had made no provision for the thousands of persons who cannot eat roughage. There absolutely will have to be some provision made for persons who must have white bread, he said.

Under the President's voluntary program, which Government sources called "pretty definite," 30-percent-flour extraction is to be made from wheat kernels, where 70 percent has been normal for white bread.

Then quoting this so-called official again, the article proceeds:

"Eighty-percent extraction will mean gray bread, looking as though dirt were in it," this official said. It will have a coarse bran content, he added, which will cause intestinal upsets in thousands of allergic persons.

In 1917, when a similar bread campaign was tried in Europe, he said, "11,000,000 persons were casualties of intestinal upsets," and special certificates for white bread had to be issued.

This official said President Truman was apparently "giving orders first and looking into details second."

The Department of Agriculture will meet Monday with representatives of the bakery industry, at which a sample loaf of the 80 percent extraction bread will be studied, if the Department can get it made up in time.

The whole purport and content of that article, Mr. President, is that the Department of Agriculture, through one of its high departmental officials, has taken sharp issue with the President of the United States on the President's proposal to send some of our grain to help feed the starving peoples of Europe. I could not believe that was true when I read it, and today I got in touch with the Secretary of Agriculture, Mr. Clinton P. Anderson, who comes from my State, and asked him if any high official in his department had made such a statement or had been authorized to make such a statement. Mr. Anderson said he had not seen the news story. When I showed it to him he was

as shocked and as amazed and dumb-founded as I was. On the contrary, he said, he was certain that no person in the Department of Agriculture had made any such statement as that. And he asked that if any such person has made such a statement, that the name of the person be produced. I join in that request.

I do not criticize the reporters. Someone gave out that story, but it is definitely laid at the door of the Department of Agriculture, under the name of a high official of that Department. In justice to the Department, in justice to the President of the United States, and in justice to the American people, the name of that official ought to be revealed. If any official of the Government has the courage to make a statement like that, then let him have the courage to give his name to his own department head, the Secretary of Agriculture, to the President of the United States, and to the people. Let him not hide under the anonymous title of "a high department official."

#### FAIR EMPLOYMENT PRACTICE ACT

The Senate resumed the consideration of the bill (S. 101) to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

Mr. ELLENDER. Mr. President, I now yield to the Senator from Colorado, provided I do not lose my right to the floor.

Mr. RUSSELL. Mr. President, we have not had a quorum call all day. I know that a quorum of Senators is available. I should like to have a quorum present to hear the distinguished Senator from Colorado.

The PRESIDENT pro tempore. Does the Senator from Louisiana yield for that purpose?

Mr. ELLENDER. I yield for that purpose.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Guffey	Morse
Andrews	Gurney	Murdock
Austin	Hart	Murray
Bailey	Hatch	Myers
Ball	Hawkes	O'Daniel
Bankhead	Hayden	Overton
Barkley	Hickenlooper	Radcliffe
Bilbo	Hill	Reed
Brewster	Hoey	Revercomb
Bridges	Huffman	Robertson
Briggs	Johnson, Colo.	Russell
Buck	Johnston, S. C.	Saltonstall
Bushfield	Kilgore	Shipstead
Butler	Knowland	Smith
Byrd	La Follette	Stewart
Capehart	Langer	Taft
Capper	Lucas	Taylor
Carville	McCarran	Thomas, Okla.
Chavez	McClellan	Thomas, Utah
Cordon	McFarland	Tobey
Downey	McKellar	Tunnell
Eastland	McMahon	Tydings
Ellender	Magnuson	Walsh
Ferguson	Maybank	Wheeler
Fulbright	Mead	Wherry
George	Millikin	White
Gerry	Mitchell	Willis
Green	Moore	Wilson

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from New York [Mr. WAGNER] are absent from the Senate because of illness.



The Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

The Senator from Idaho [Mr. GOSSETT] and the Senator from Florida [Mr. PEPPER] are absent on public business.

The Senator from Texas [Mr. CONNALLY] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations, now being held in London.

Mr. WHERRY. The Senator from Michigan [Mr. VANDENBERG] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations, now being held in London.

The Senator from Illinois [Mr. BROOKS] and the Senator from Kentucky [Mr. STANFILL] are necessarily absent.

The Senator from Missouri [Mr. DONNELL] has been excused by the Senate to make a trip to his home State.

The Senator from Wisconsin [Mr. WILEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] has been excused and is absent on official business.

The PRESIDING OFFICER (Mr. EASTLAND in the chair). Eighty-four Senators having answered to their names, a quorum is present.

Mr. MILLIKIN. Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks, immediately following this request, the pending bill, S. 101.

There being no objection, the bill (S. 101) to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry, was ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.—*

#### FINDINGS AND DECLARATION OF POLICY

SECTION 1. The Congress finds that the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of their race, creed, color, national origin, or ancestry, foments domestic strife and unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects commerce.

It is hereby declared to be the policy of the United States to eliminate such discrimination in all employment relations which fall within the jurisdiction or control of the Federal Government as hereinafter set forth.

#### RIGHT TO FREEDOM FROM DISCRIMINATION IN EMPLOYMENT

SEC. 2. The right to work and to seek work without discrimination because of race, creed, color, national origin, or ancestry is declared to be an immunity, of all citizens of the United States, which shall not be abridged by any State or by any instrumentality or creature of the United States or of any State.

#### UNFAIR EMPLOYMENT PRACTICES DEFINED

SEC. 3. (a) It shall be an unfair employment practice for any employer within the scope of this act—

(1) to refuse to hire any person because of such person's race, creed, color, national origin, or ancestry;

(2) to discharge any person from employment because of such person's race, creed, color, national origin, or ancestry;

(3) to discriminate against any person in compensation or in other terms or conditions of employment because of such person's race, creed, color, national origin, or ancestry; and

(4) to confine or limit recruitment or hiring of persons for employment to any employment agency, placement service, training school or center, labor union or organization, or any other source that discriminates against persons because of their race, color, creed, national origin or ancestry.

(b) It shall be an unfair employment practice for any labor union within the scope of this act—

(1) to deny full membership rights and privileges to any person because of such person's race, creed, color, national origin, or ancestry;

(2) to expel from membership any person because of such person's race, creed, color, national origin, or ancestry; or

(3) to discriminate against any member, employer or employee because of such person's race, creed, color, national origin, or ancestry.

(c) It shall be an unfair employment practice for any employer or labor union within the scope of this act to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden by this act or because he has filed a charge, testified, or assisted in any proceeding under this act.

#### SCOPE OF ACT

SEC. 4. (a) This act shall apply to any employer having in his employ six or more persons, who is (1) engaged in interstate or foreign commerce or in operations affecting such commerce; (2) under contract with the United States or any agency thereof or performing work, under subcontract or otherwise, called for by a contract to which the United States or any agency thereof is a party, awarded, negotiated, or renegotiated as hereinafter provided in section 13 of this act.

(b) This act shall apply to any labor union which has six or more members who are engaged in interstate or foreign commerce or in operations affecting such commerce or employed by the United States or any Territory, insular possession, or instrumentality thereof.

(c) This act shall apply to the employment practices of the United States and of every Territory, insular possession, agency, or instrumentality thereof, except that paragraphs (e) and (f) of section 10, providing for petitions for enforcement and review, shall not apply in any case in which an order has been issued against any department or independent agency of the United States; but in any such case the Fair Employment Practice Commission established by section 5 of this act may petition the President for the enforcement of any such lawful order, and it shall thereupon be the duty of the President to take such measures as may secure obedience to any such order. Every officer, agent, or employee who willfully violates any such order shall be summarily discharged from the Government employ.

#### FAIR EMPLOYMENT PRACTICE COMMISSION

SEC. 5. For the purpose of securing enforcement of the foregoing rights and preventing unfair employment practices on the part of employers and labor unions, there is hereby established a commission to be known as the Fair Employment Practice Commission, which shall consist of a Chairman and four additional members to be appointed by the President, by and with the advice and consent of the Senate, who shall serve for a term of 5 years except that the terms of the members originally appointed shall expire serially at intervals of 1 year. Any member of the Commission may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Three members of the Commission shall at all times constitute a quorum.

#### REPORTS

SEC. 6. The Commission shall at the close of each fiscal year make a report in writing to the Congress and to the President concerning the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Commission, and an account of all moneys it has disbursed and shall make such further reports on the cause of, and means of alleviating discrimination, and such recommendations for further legislation as may appear desirable.

#### SALARIES

SEC. 7. Each member of the Commission shall receive a salary of \$10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment.

#### TERMINATION OF COMMITTEE ON FAIR EMPLOYMENT PRACTICE

SEC. 8. Upon the appointment of the members of the Commission, the Committee on Fair Employment Practice, established by Executive Order No. 9346, of May 27, 1943, shall cease to exist. All employees of the said Committee shall be transferred to and become employees of the Commission. All records, papers, and property of the Committee shall pass into the possession of the Commission, and all unexpended funds and appropriations for the use and maintenance of the Committee shall be available to the Commission.

#### LOCATION OF OFFICES

SEC. 9. The Commission shall hold its sessions in the District of Columbia and at such other places as it may designate. The Commission may, by one or more of its members or by such referees, agents, or agencies as it may designate, prosecute any inquiry or conduct any hearing necessary to its functions in any part of the United States or any Territory or insular possession thereof.

#### PROHIBITION OF UNFAIR EMPLOYMENT PRACTICES

SEC. 10. (a) The Commission is empowered as herein provided to prohibit any person from engaging in any unfair employment practices within the scope of this act.

(b) Whenever it is alleged that any person has engaged in any such unfair employment practice, the Commission, or any referee, agent, or agency designated by the Commission for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the Commission or a member thereof, or before a designated referee, agent, or agency at a place therein fixed not less than 10 days after the serving of said complaint.

(c) The person so complained of shall have the right to file an answer to such complaint and to appear in person or otherwise, with or without counsel, and give testimony at the place and time fixed in the complaint.

(d) If upon the record, including all the testimony taken, the Commission shall find that any person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair employment practice and to take such affirmative action, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this act. If upon the record, including all the testimony taken, the Commission shall find that no person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(e) The Commission shall have power to petition any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia) or, if all the circuit courts of appeal to which application might be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the unfair employment practice in question occurred, or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court to which petition is made shall conduct further proceedings in conformity with the procedures and limitations established by law governing petitions for enforcement of the orders of the National Labor Relations Board.

(f) Any person aggrieved by a final order of the Commission granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia) within any circuit wherein the unfair employment practice in question was alleged to have occurred or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the Commission be modified or set aside. Upon such filing, the reviewing court shall conduct further proceedings in conformity with the procedures and limitations established by law governing petitions for review of the orders of the National Labor Relations Board.

#### INVESTIGATORY POWERS

SEC. 11. (a) For the purpose of all hearings and investigations which in the opinion of the Commission are necessary and proper for the exercise of the powers vested in it by this act, the Commission, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Any member of the Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Commission, its member, agent, or agency conducting the hearing or investigation. Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may

be punished by said court as a contempt thereof.

(c) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

#### RULES AND REGULATIONS

SEC. 12. The Commission shall have authority from time to time to make, amend, and rescind such regulations as may be necessary to carry out the provisions of this act. Such regulations shall be effective 60 days after transmission to the Congress unless the Congress has in the interim amended or nullified such regulations by appropriate legislation or has adjourned within 30 days after the submission of such regulations. Such regulations shall include the procedure for service and amendment of complaints, for intervention in proceedings before the Commission, for the taking of testimony and its reduction to writing, for the modification of the findings or orders prior to the filing of records in court, for the service and return of process and fees of witnesses, and with respect to the seal of the Commission, which shall be judicially noticed, the payment of expenses of members and employees of the Commission, the qualification and disqualification of members and employees and any other matters appropriate in the execution of the provisions of this act.

#### GOVERNMENT CONTRACTS

SEC. 13. (a) All contracting agencies of the Government of the United States shall include in all contracts hereafter awarded, negotiated, or renegotiated by them, except such classes of contracts as may be exempted from the scope of this provision by regulation adopted pursuant to section 12 of this act, a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, or ancestry, and requiring him to include a similar provision in all subcontracts.

(b) No contract shall be awarded or executed by the United States or any agency thereof to any person found by the Commission to have violated any of the provisions of this act or to any firm, corporation, partnership, or association in which such person has a controlling interest, for a period to be fixed by the Commission not to exceed 3 years from the date when the Commission determines such violation to have occurred. The Commission may by subsequent order, for good cause shown, reduce any period so fixed. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of such persons.

#### WILLFUL INTERFERENCE WITH COMMISSION AGENTS

SEC. 14. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Commission or any of its referees, agents, or agencies, in the performance of duties pursuant to this act, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 1 year, or both.

#### SEPARABILITY CLAUSE

SEC. 15. If any provision of this act or the application of such provision to any person

or circumstance shall be held invalid, the remainder of such act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

#### DEFINITIONS

SEC. 16. (1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of any employer, directly or indirectly, and includes the United States and every Territory, insular possession, and agency or instrumentality thereof.

(3) The term "labor union" includes any organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning the terms or conditions of employment.

(4) Unless otherwise specified, the term "Commission" means the Fair Employment Practice Commission created by section 5 of this act.

(5) The term "Committee" means the Committee on Fair Employment Practice established by Executive Order No. 9346 of May 27, 1943.

(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or Territory or the District of Columbia or any foreign country.

(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

SEC. 17. This act may be cited as the "Fair Employment Practice Act."

Mr. MILLIKIN. Mr. President, I voted against immediate consideration of the pending bill. I shall vote against cloture. I shall vote for the displacement of the pending bill by any important measure which may be ready for our consideration. I would vote against the pending bill as it is now written. I would vote against the pending bill if it were amended unless the amendments would be certain to assure a sound measure resting on persuasion as distinguished from the coercive base of that which is before us. If in the future a sound persuasion bill shall come before the Senate, I shall vote for it. I shall vote for a change in the rules, if given an opportunity, to provide for cloture by a two-thirds vote on debate on the correction of the Journal, and on appeals from the Chair.

The Senate finds itself in the anomalous position of giving its consideration to a bill which no one wants, which has been expressly repudiated in debate by a number of those who aided in moving the bill out of committee onto the floor of the Senate and who joined in the following recommendation, as shown on page 1 of the only report accompanying Senate bill 101:

The Committee on Education and Labor to whom were referred the bill (S. 101) to prohibit discrimination in employment because



of race, creed, color, national origin or ancestry, and the bill (S. 459) to establish a Fair Employment Practice Commission and to aid in eliminating discrimination in employment because of race, creed, color, national origin or ancestry, after holding hearings and giving consideration to the two bills, report favorably on the former of these bills, S. 101, and recommend that it do pass.

Nothing here or elsewhere is contained in the report to show that the majority of the members of the committee who voted to report the bill favorably were divided among themselves as to the kind of bill they wanted, as to the kind of amendments they wanted, or that some of the members of that majority were against the bill as reported.

Nothing here or elsewhere is contained in the report to show that a number of those who voted to report the bill favorably based their action on a speculative hope that the bill could be improved by amendments.

The Senate voted to give immediate consideration to the bill; it did not vote for or against the bill. I repeat, the Senate merely voted to consider the bill. The motion for immediate consideration of the bill was not debatable, and so there was no opportunity prior to the vote to ventilate the matters which I have mentioned if anyone had reason or felt inclined to do so.

On January 24, 1946, the distinguished junior Senator from New Jersey [Mr. SMITH], who helped to vote the bill out of committee, and for whom I have great affection and respect, said with characteristic candor during a colloquy with the distinguished senior Senator from Alabama, according to page 321 of the CONGRESSIONAL RECORD:

I feel as the Senator feels with regard to the matter of trial by jury, and, for my part, I shall be glad to work with Senators on the other side of this question for an amendment which will adequately take care of the question of trial by jury.

On the same day, a little further on in the debate, the same able Senator from New Jersey said, on page 321 of the RECORD of that date:

I may say to the distinguished Senator from Alabama that I hope amendments will be offered to take care of those fundamentals which I agree with the Senator from Alabama should be taken care of.

The RECORD will show, on page 322, on the same day, that the distinguished junior Senator from New Mexico [Mr. CHAVEZ], leading sponsor of the bill before us, while debating with the distinguished senior Senator from Alabama on the question of the absence of provision in the bill for jury trials, said:

Any time the Senator from Alabama offers that kind of amendment, the Senator from New Mexico will approve it, because he believes in the contention being made by the Senator from Alabama.

On January 24, 1946, 7 days after the Senate had agreed to give immediate consideration to the bill, the distinguished junior Senator from Oregon [Mr. MORSE] enlightened us for the first time as to the unreconciled objectors of the promoters of the bill and as to the tactics which they had pursued in committee, and which they intended to

pursue in the Senate. The Senator said, in part, on page 322 of the RECORD:

I want to say to the Senator from Alabama that I think the time has come for the RECORD to show that this bill was voted out of the committee without amendment because amendments to the bill could not be adopted in the committee. There was a group in the committee that took the position that they would not consider any amendments to the bill because they were unalterably opposed to the principle of the bill. With that block of votes against those of us who wanted to see the bill amended in the committee, we were confronted with the situation of voting the bill out in this form so that the Senate of the United States could be turned into a Committee of the Whole and the bill could be amended on the floor of the Senate in accordance with the views of some of us who are proponents of the principle of FEPC, but who feel that the bill is sadly in need of amendment.

I interject at this point to say that there is no rule and there is no recognized practice in the Senate which calls for action by the Senate as a Committee of the Whole, except in connection with treaties, and all of our practices and customs, and, I submit, sound legislative procedures, are opposed to the plan presented by the distinguished Senator from Oregon.

On January 24, 1946, the same distinguished Senator, in debate with the distinguished senior Senator from Alabama [Mr. BANKHEAD], and with reference to the lack of provision in S. 101 for jury trials for those accused of violating the provisions of the bill, said, on page 323 of the RECORD:

I wish to say to the Senator from Alabama that his comments on the procedures provided for by the bill in its present form impress me just as thoroughly as did some of the comments made the other day by the Senator from Georgia [Mr. RUSSELL].

And on the same page of the RECORD of that date appear the following remarks by the same distinguished Senator [Mr. MORSE]:

But I repeat to the Senator from Alabama that I think the fundamental issue now facing the Senate is whether a majority of the Senate are to be allowed, under our democratic legislative processes, to vote on the merits of legislation or whether they are to be permitted to vote only at the sufferance of a minority of Senators who say, in effect, "You shall vote on legislation only in accordance with our choice." I cannot reconcile that procedure with democratic processes or even with the principles of the Democratic Party.

On January 25, 1946, the distinguished junior Senator from New Jersey [Mr. SMITH] said on page 376 of the RECORD:

It is my judgment, Mr. President, that the bill as it has been presented to the Senate needs substantial amendment in order that some of the limitations of the bill which I and others of my colleagues see in it may be corrected before we present it for final passage.

On January 29, 1946, the same distinguished Senator [Mr. SMITH] said on page 494 of the RECORD of that date:

I am finding myself supporting a measure which I hope will be drastically amended before action is taken on it, and I hope to help prepare amendments. Fundamentally, for many of the reasons the distinguished Senator [Mr. GEORGE] has stated, I do not approve the measure as it is now drawn.

On the same date, and on the same page of the RECORD, this distinguished Senator [Mr. SMITH] said:

We were forced to the position either of abandoning having the subject considered or else reporting a bill which we hoped to have debated on the floor by the Senate, acting as a Committee of the Whole, as the Senator from Oregon [Mr. MORSE] has said, whereby we might find some way of getting together.

On January 29, 1946, the distinguished junior Senator from Oregon [Mr. MORSE] said on page 503 of the RECORD of that date:

Adverting to the speech which was made by the Senator from Georgia [Mr. RUSSELL], I may say that I do not find myself in disagreement with the point which the Senator continues to make on the floor of the Senate with regard to the procedural provisions of the bill. I have expressed myself in sympathy with judicial rather than administrative processes in connection with other bills which have been considered by the Senate. I wish the RECORD to show that one reason that I did not become one of the cosponsors of the pending bill was the objection which I raised, when the bill was first discussed with me, with regard to its procedures. I happen to be one who believes that when dealing with criminal penalties, judicial functions should not be turned over to administrative tribunals.

On the same day, the distinguished junior Senator from Indiana [Mr. CAPEHART] voiced a sentiment which is in complete accord with my own. I quote from page 504 of the RECORD of that day:

Unfortunately, or fortunately, depending upon the Senator's point of view, my personal observation—and this is purely my own personal observation, without committing anyone whatsoever—is that possibly a great majority of the proponents of the bill, including the able Senator from Oregon [Mr. MORSE], are opposed to the bill in its present form.

The able junior Senator from Oregon commented—page 505 of RECORD of that date:

No matter what anyone proposes by way of an FEPC bill, this group will vote against it. Then there is another group who have a common belief in the basic principle of a fair employment practice act, but they are not in agreement as to just what amendments should be made to the bill. The result is, to be practical about it, that we could not get a bill out of committee unless we did what we did in reporting this bill out. We were practical and realistic in the committee discussions. We said, "All right; the majority of us do believe in the principle of an FEPC. We will vote this bill out in order to turn the Senate into a Committee of the Whole, in the hope that we can have amendments adopted on the floor of the Senate, so that we can then have a bill for which a majority of the Senate will vote." That happened to be the practical situation in which we found ourselves in the committee. I am sure the Senator from Arkansas—

I believe that at that point the Senator was having a colloquy with the senior Senator from Arkansas [Mr. McCLELLAN]—

I am sure the Senator from Arkansas, a member of the committee, is well aware of the fact that my position in the committee was that I hoped the bill would be amended. However, it was a question of counting noses, I say to the Senator from Indiana, and in the committee we could not get a majority of the Senators in support of any particular amendment. I do not think we should let a bill, declaring a principle like that involved in the

bill we are discussing, die because of such a situation as existed in our committee.

I recall to the attention of Senators that the committee report made an unequivocal recommendation that the bill do pass.

I continue to quote the distinguished junior Senator from Oregon [Mr. MORSE]:

I do not think we should make use of the rules of the Senate to prevent the Senate from coming to a vote on the merits of any proposal that is called up for a vote. This is our difference, and I think it is an honest difference. I respect the Senator's views, and I am sure he does mine. This is the difference between us. I think that as United States Senators we should be willing at all times to stand up on our hind legs, so to speak, and vote up or down on its merits any legislation that is proposed in the Senate. I do not think we should use parliamentary techniques such as the filibuster, to prevent a manifestation of majority rule in the Senate.

It goes without saying that these fine Senators adopted these extraordinary means for capturing the consideration of the Senate on the theory that they were warranted by objectives which, to them, seemed to be of the noblest character. In passing I would suggest, and I do it most respectfully and in a friendly way, that those who joined in this strange tactic—and I am using deliberate understatement—are hardly in position to criticize the traditional and rule-warranted tactics adopted by those who have different ideas as to how to achieve the objective, and that it is somewhat inconsistent for those gentlemen to argue that a majority of the Senate is being oppressed by a minority other than themselves.

Now a few remarks as to those amendments. The majority of the committee, under the testimony which I have read to the Senate could not agree among themselves as to what they should be. The majority of the committee who voted out the bill favorably and urged that it should pass as it could not agree as to what the bill should be in its final form.

Was it not a speculative hope of fantastic order that caused those gentlemen to believe that the Senate could achieve a unity of thought and purpose which they, with all of their zeal and good intentions, had been unable to achieve among themselves? Does this not represent, and I do not say this in a waspish way, a strong element of imposition on sound committee practice and on sound Senate practice?

It was the hope of those well-intentioned and able Senators that some indefinable kind of legislation would evolve that would prove satisfactory to them through the action, as they describe it, of the Senate operating as a Committee of the Whole, that is to say, operating without the benefit of hearings on the amendments, and without knowing the full scope of amendments to be presented, without any plan that would reconcile the conflicting views of the promoters of the bill.

I venture to doubt whether, if the Senate had been informed as to this state of affairs in the committee, if this had been frankly stated in the committee's report,

the Senate would have voted to give the bill consideration.

Be that as it may, I had read the bill, and I was not persuaded by the report. From the face of the bill I saw that almost every sentence of it is redolent of conceptions and procedures which in my judgment do not square with the American system of government, and therefore I voted against its present consideration.

I shall always be glad that I did so, for if at any place in the procedures of the Senate I am given the opportunity of free choice of what shall come here, what shall stay here, how long it shall stay here, what consideration it shall receive while here, I expect to align my vote against the possibility, remote as it may be, of the triumph of the kind of transparent viciousness that is concentrated and multiplied in this bill.

I know of no obligation upon me or upon any other Senator to act as a midwife to a legislative monstrosity at any stage of the labor.

Let me add that whenever I have a free choice I shall not vote for speculation of the type which has been admitted and to which I have referred, with the orderly and established procedures and practices of the Senate. I do not feel myself under the slightest obligation to aid in Trojan-horse tactics for the achievement of unspecified and improbable objectives, no matter how laudable the moving wish-philosophy may be.

Until and unless compelled to do so by a change in the rules, I prefer not to function as a member of the Senate Committee of the Whole on this kind of a measure. A regular committee can do a better job in drafting, in coordination, and in acquiring the basic information and criticism necessary to sound legislation.

Because of the pendency in these critical times of so much legislation of transcendent importance, I prefer not to give time to the consideration of a bill which, regardless of amendments, will continue to rest on a coercive basis. Under the circumstances mentioned I do not want to give time to the consideration of amendments in the speculative and far-fetched hope that in the end the nauseating measure before us can be given a savory odor and can be made palatable and digestible.

If we defeat cloture this farce will come to an end. I want it to come to an end, and therefore I shall vote against cloture.

Now, to summarize some of my objections to the bill as it stands before the Senate:

The bill, with false proclamations, expands to the vanishing point the already grotesquely overexpanded commerce clause of the Federal Constitution.

Whatever may be said against discrimination because of race, creed, color, national origin, or ancestry, there is nothing in our history to give validity to what I submit is the real theory of the bill, that a citizen has the right to work because of his race, creed, color, national origin, or ancestry, or has the right to work for a particular employer.

The bill does not prescribe even a semblance of working standards for the

determination of whether there has been a discrimination.

Under the bill as drawn it could be argued that there is an irrebuttable presumption that any particular pay roll does not represent what may be termed the composite religious, racial, and ancestral origin man. What kind of a man is this? What does he look like? What is represented in the amalgam of his make-up?

There are more than 250 different denominations in this country within the Protestant faith. Some of these denominations have greater hatreds, bigotries, and intolerances for each other than exist between the main divisions of religious faiths.

So, in the make-up of this composite man some weighting will have to be given to each of those more than 250 independent Protestant denominations.

We have orthodox and nonorthodox Jewish churches, and weighting will have to be given for each of them. We have several branches of the Catholic Church, and these pose the same problem.

From the over-all standpoint about 7 percent of the church enrollment of the country consists of members of the Jewish faith, about 34 percent of members of the Catholic church, about 55 percent of Protestant faith, represented, as I stated, by more than 250 denominations. These percentages will have to be fairly represented in this composite man.

The racial elements of this composite man are something like this—1940 census, total population, 131,669,275:

White.....	118,214,870
Negro.....	12,865,518
Indian.....	333,969
Chinese.....	77,504
Japanese.....	126,947
Filipino.....	45,563
Korean.....	1,711
Hindu.....	2,405
All others.....	788

These percentages will have to receive their proper weight.

The ancestral origin part of the formula so far as the white race is concerned figures out as follows, according to the 1940 census, and I list about 50 ancestral origin nations with the number of our inhabitants attributed to each. This will have to be given proper weight. Mr. President, I ask unanimous consent that the list may be printed in the RECORD at this point in my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

England.....	1,975,975
Scotland.....	725,861
Wales.....	148,260
Northern Ireland.....	377,236
Irish Free State.....	410,951
Norway.....	924,688
Sweden.....	1,301,390
Denmark.....	443,815
Iceland.....	6,584
Netherlands.....	372,384
Belgium.....	130,358
Luxemburg.....	27,166
Switzerland.....	293,973
France.....	349,050
Germany.....	5,236,612
Poland.....	2,905,859
Czechoslovakia.....	984,591
Austria.....	1,261,246
Hungary.....	662,068



Yugoslavia.....	383,393
Russia.....	2,610,244
Latvia.....	34,656
Estonia.....	394,811
Finland.....	284,290
Rumania.....	247,700
Bulgaria.....	15,688
European Turkey.....	8,372
Greece.....	326,672
Italy.....	4,594,780
Spain.....	109,407
Portugal.....	176,407
Other Europe.....	41,459
Palestine.....	12,807
Syria.....	138,599
Asiatic Turkey.....	95,839
Other Asia.....	85,924
Canada, French.....	908,386
Canada, British.....	2,001,773
Newfoundland.....	47,001
Mexico.....	1,076,653
Cuba.....	32,257
Other West Indies.....	33,457
Central America.....	12,738
South America.....	54,830
Australia.....	26,898
Azores.....	74,351
Other Atlantic islands.....	8,592
All other countries not previously reported.....	194,009

Mr. MILLIKIN. Mr. President, it will be replied that, of course, nothing of that kind is intended, that it will not be cut that thin, that it is not intended to reproduce this composite man on the Nation's pay rolls. It will be said that the bill is intended to deal with specific cases of discrimination and that the thing will have to be painted with a broader brush.

What is the standard for determining a specific case of discrimination? The act is silent. It comes to this: Unless the ridiculous task of trying to create the composite man is undertaken on an arbitrary and automatic basis and independent of actual motive, we must run an inquest on the mind of the employer and also on the mind of the employee.

And that to my mind is the most vulnerable and offensive part of the bill. How much blood must be spilled, how much hatred and discrimination must be accentuated, how much ugly human history must be endured and repeated before we learn law cannot and should not coerce conformity in human thinking.

It may be said that the law often tests motive and that is true. When a man is tried for murder or for almost any felony, motive becomes an indispensable element of proof. But please mark this: Wherever we have succeeded in testing motive in the field of criminal law it is because the crime is universally abhorred and indulged in by only an infinitesimal part of the people. When that is not the case we have nullification.

It is not necessary, I am sure, to recall in any detail the terrible consequences of all past experiments in trying by criminal law to coerce conformity in fields where universal abhorrence of the crime did not exist. Reflect again on the past religious wars in Europe.

Please reflect again on the history of attempts to secure religious conformity in our own country. This Nation was founded by people who escaped from England because they did not accept religious conformity. Unhappily, the early history of this country is marred by the

very thing which caused those men and women to flee from their mother country.

We have known state religion in our own country. But happily that has all passed. The first amendment to the Federal Constitution declares the enlightened policy which now controls us that—

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

A similar provision is common to our State constitutions.

As we were challenged to do the other day by the great senior Senator from Georgia [Mr. GEORGE], let us look it fairly and squarely in the face. People of any given faith, race, or ancestral origin have a right in peaceful ways to dislike people of other faiths, races, and ancestry; have a right to give or withhold their personal, business, and employment associations. This goes for the employee, the sadly neglected man in these debates, as well as the employer.

Does this mean that we are to stumble along forever living with intolerance, bigotry, and other forms of foolishness and evil? There will always be some of it, unless and until man becomes completely free of sin. But the point I make is that, bad and foolish as the exercise of such rights may appear to you, Mr. President, or to me, it cannot be eliminated by law—with a policeman's night stick.

As we know, the nature of man is an inconsistent thing, and it carries on warfare within itself. It holds stores of cruelty, greed, meanness, bigotry, intolerance, discrimination, and badness of all kinds. But there is also an inexhaustible mine of goodness.

Let us not draw on the store of everything in us that is bad and has been repudiated as such in the patently foolish hope that this is the way to promote that which is good. In the furtherance of our great objective let us draw from the better side of man's nature. Let us do that in the field that we are discussing—by education in the home, in schools, in the churches, by personal example, by legitimate arts of persuasion.

Our progress in this way will not be as rapid as many of us would desire, but it will be far more rapid than if we try to expedite it by force, by trying to legislate conformity which on the evidence of history can only increase hatreds and the discriminations between our creeds and races. That road is the road of repudiated reaction.

We have been rather successful in cultivating the goodness in man's nature. Our churches, many of our colleges, our myriad philanthropies, and daily individual acts of kindness and helpfulness come voluntarily from men and women who have become convinced without the compulsion of law that they should add their mite to human progress and decency.

We have not done so badly in this country. Let any of us trace back his ancestral origin and I do not care to what country it takes him he will find that his condition here is infinitely better than it would be if he were there. Let any person of any race trace the condition of his people to the racial home-

land and he will find that the condition of his race here is infinitely better than anywhere else.

I favor a sound persuasion measure and will vote for such a measure whenever I have the opportunity to do so and I will join in promoting such a measure by like-minded Senators.

At this point I should like to make something clear which has become much obscured. I was a member of the resolutions committee of the last National Republican Convention and was a member of its drafting subcommittee. That committee recommended, and the convention adopted, the following plank on fair employment practice legislation:

We pledge the establishment by Federal legislation of a permanent Fair Employment Practice Commission.

Let me say that I know of my personal knowledge that the only kind of a bill that was under consideration by that committee was one which would rest on persuasion. I make this statement because a number of the Members on this side of the aisle have been of the opinion that we were considering legislation along the line of the bill before us and that we had promised to support such a bill.

This bill goes so far as to require the employer to snoop into the beliefs and possible prejudices of the employees of an employment agency in which the employer may have no interest other than as a source for recruiting workers.

It even provides for the possible destruction of a business which may be entirely innocent of discrimination. Section 13 (b) of the bill excludes from Government business any firm in which a discriminator has a controlling interest. As a matter of fact, his controlling interest may not be used in shaping in any way the policies or actions of the company aimed at. The control may be, as it often is, merely potential rather than an existing fact. It may be of an entirely absentee nature. The firm aimed at by this provision of the bill may afford a perfect example of fair and nondiscriminating labor practice. Government business may be vital to its continued existence and yet under the circumstances mentioned it can be destroyed through the power of the Commission to withhold Government business for a period not to exceed 3 years.

This bill bludgeons the spirit of numerous provisions of our Federal Constitution. Its cavalier indifference to protective venue provisions for the citizen is an example. Its failure to provide a jury trial for an alleged violator, its failure to provide the accused with the right to confront and cross-examine the witnesses against him, are others. Its non-existing standards of admissible evidence is another example. The use of hearsay, ex-parte affidavits and unsworn statements are not precluded. And in this connection please do not forget that the use of such so-called evidence against a citizen is not without precedent among our Government agencies.

The loose and vague provisions of the bill for selecting and assigning and controlling the work of the field inquisitors who will make the reports on which the commission will place primary reliance, its failure to penalize discrimination

among the members and employees of the commission, are others. Its provisions for indiscriminate search and seizure, for violations of individual privacy, are others. Likewise its failure to include specific time limitations within which actions may be brought against the citizen. The punishment for guilt seems to me to be excessive. The bill fails to protect against multiplicity of prosecutions; it gives no relief or protection against the malicious who wish more to punish and destroy the employer than to abolish discrimination. It is a perfect instrument for blackmail and vengeance unrelated to discrimination.

These are examples which will illustrate why I view the bill as a legislative monstrosity.

Now as to cloture: The Senate of the United States is one of the few legislative forums in the world which operates on, and guards the right of, free speech. If my country were confronted with the horrible choice of surrendering all of the individual rights of its citizens under our Constitution save one to be selected by it I should unhesitatingly counsel the preservation of the right of free speech, for so long as this right remains unimpaired all other rights, if lost, may be regained.

History confirms this. Every dictator knows it well and selects free speech as the first victim of his aggression.

Is the right abused? Of course, it is abused. It is abused everywhere where it exists—it is abused at times in the Senate. But there are reasonably adequate measures against abuse which do not destroy or seriously violate the right.

We have laws against obscenity. We have laws against speech which incites public disorder. We have laws against slander. Men have always had their own ways, outside the courts, some of them regrettable and to be abhorred, to end or punish on the spot certain forms of personal insult.

The Senate has its law for temporarily ending free speech in this Chamber. It is by operation of the rule of cloture which requires a two-thirds vote.

I have heard it argued that this is unfair to the rights of the majority, that the operation of the rule subjects the majority to the will of the minority, that this is a violation of democratic practices, from which the conclusion necessarily follows that a majority of one should have the power to do as it pleases.

There is so much error in this argument and it has so much significance because of its studious cultivation by people who do not know better, by people who should know better, and by those who wish to destroy our system of government that it calls for full treatment. But on this occasion I shall limit myself to touching on some of the highlights of the matter in rather summary fashion.

It is manifest that if a majority of one could end free speech in the Senate it would not be long until there would not be any free speech.

The majority of any party in power would find the suppression of free speech a convenient method of expediting what it conceived to be useful and urgent legislation. It is always annoying to have errors exposed, and it would not be long

until a majority of one decided that for political purposes it should retain the illusion of infallibility by preventing exposure here of its errors. And then it would not be long until corrupt and even more ominous legislation might be shepherded through this Chamber in enforced silence.

It should never be forgotten, I respectfully suggest, that the rules of a legislative body in a country which understands, appreciates, and desires to conserve the principles of human freedom are adopted not to enhance or render unshakable the power of the majority of its members but rather to protect those in the minority.

The other day, in his classic speech on cloture, the senior Senator from Maine [Mr. Whirel], in developing the same theme in a manner which I cannot equal, found support in Jefferson's Manual on Parliamentary Practice which appears on page 237 of our Senate Manual. It deserves frequent repetition. I read from what is said there:

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man from old and experienced members that nothing tended more to throw power into the hands of administration and those who acted with the majority of the House of Commons than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority; and that they were, in many instances, a shelter and protection to the minority against the attempts of power. So far the maxim is certainly true, and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary from time to time and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.

When we talk of the rights of the majority of one, when we would give such a majority all-embracing power over our actions here, we simply overlook the fact that in this Chamber and outside of it, rules and practice and law, out of the wisdom of centuries of experience, provide that in many of the most important decisions in life those rights are qualified so as to protect the minority.

The rights of the minority have not been imposed by a minority; they have been freely granted by majorities which realize the fact that majorities are not always right, that there is an inherent tendency in majorities to oppress minorities, which realize that under natural or moral law the individual and minority groups have certain rights which should not be subjected to the caprice of others, no matter how numerous, that these minority rights by their nature and by the formal mandates and consents and relinquishments of power, by thoughtful, just, and civilized majorities, when they are engaged in laying out the long-term rules for the government of all, are truly and deservedly unalienable.

Let me give a few illustrations of the qualifications which have been found wise and just on the unrestrained power of bare majorities.

I have pointed out that the very rules under which we operate here in the Senate are primarily intended to protect Senate minorities. The Federal Constitution, under which we are supposed to operate, establishes many qualifications to bare majority rule. That instrument had to be ratified by a minimum of nine of the Original Thirteen States. To amend it requires the consent of three-fourths of the States. To propose an amendment requires a two-thirds vote of the Congress or of two-thirds of the States.

The make-up of the Senate itself rests on the arbitrary rule of two Senators for each State, large or small. Indeed, in practical effect this is the only provision of the Constitution which cannot be amended, for it is provided in article V, dealing with amendment procedure, "that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

The Senate has the power to try impeachments, but no person, under the terms of the Constitution, shall be convicted without the approval of two-thirds of the Members of this body who shall be present. Each House may determine the rules of its own proceedings, but it takes at least a two-thirds vote of either of the two Houses to expel one of its Members. The President of the United States may veto a bill passed by 531 Members of the Congress and for it to be repassed it must secure a two-thirds vote of the Senate and the House. The President has the power, by and with the advice and consent of the Senate, to make treaties provided two-thirds of the Senators present concur. After the Congress has passed a law and the President has approved it, it may, nevertheless, be voided by the action of our Supreme Court.

In this matter we should not overlook the rights vested in the individual by the Bill of Rights. Bringing his troubles within any one of these rights the humblest, most poverty-stricken—yes, even the most knavish of our citizens—can interpose that right as a protective shield between himself and the opposing clamor of any number of our citizens, or against the opposing clamor, if the case can be imagined, of all of the rest of our 140,000,000 citizens. And if this lonely and hated outcast takes his case to the courts, and if those courts preserve their integrity and courage—as they usually do—then, if that lone dissenter makes his case, he will prevail and frustrate the opposition of the multitude against him.

In our everyday life we have many examples where important action requires more than a bare majority vote. And always remember, please, that in governmental practice and in private life where such a rule prevails it does not represent a power seized by the minority, but is one granted by the majority itself.

I believe that every State in the Union requires the votes of more than a bare majority of the stock of a corporation to take one of several actions, such as



changing the name of a corporation, dissolving it, consolidating or merging it, or disposing of its assets.

Mr. President, I ask unanimous consent that there may be added as an annex to my remarks a memorandum covering a part of this subject made under the supervision of the Legislative Reference Service of the Library of Congress.

(See exhibit A.)

Let me emphasize that these laws reflect what is considered to be sound public policy. They have been established to protect not the large stockholder, not the controlling stock interests in the company which, without such laws, are amply able to protect themselves, but, rather, the small stockholder, the minority stockholding interest. These statutes resulted from the abuse of corporate power by the holders of actual or working majorities of the shares.

In organizations such as lodges, where complete congeniality is aimed at and where complete agreement on the beliefs and purposes of the organization are considered of paramount importance, it is well known that a single member can prevent admission of a candidate, even though all of the other members may be for it.

It takes the unanimous vote of 12 men to convict a person for a serious criminal offense.

The principle that in matters of great importance more than a bare majority should decide, has been widely accepted in the constitution and laws of other governments. Mr. President, I ask unanimous consent that there may be added as annexes to my remarks the following memoranda on this subject, prepared for me under the supervision of the Legislative Reference Service of the Library of Congress:

Constitution provisions in dominions of Great Britain concerning parliamentary vote requirements.

(See exhibit B.)

Subject matter which must be decided by other than ordinary majority by the legislatures of Latin American countries. (See exhibit C.)

Early American Colonial constitutions requiring more than majority vote.

(See exhibit D.)

Subjects requiring more than a majority vote for decision in the Confederate Constitution of March 11, 1861.

(See exhibit E.)

Excerpts from the Articles of Confederation relative to acts of Congress requiring more than a simple majority vote.

(See exhibit F.)

Subject matter which must be decided by other than ordinary majority by the legislatures of European countries. (See exhibit G.)

Religious organizations frequently require that action on certain types of questions shall be taken by a vote of more than a majority of one. For example, the Congregational Church requires that in its assemblies there shall be a two-thirds vote on the suppression of a question, the suspension of the rules, the amendment of the rules, the limitation or extension of debate, the previous

question, the making of a special order, or the taking up of a question out of order, and also a motion to lay on the table when it is used to limit debate or suppress a question—see page 70 of Congregational Manual and Rules of Order, by William E. Barton.

The Methodist Episcopal Church requires that to change its constitution a vote of two-thirds of the general conference is sufficient—see page 76 of One Thousand Questions and Answers Concerning the Methodist Episcopal Church, by Henry Wheeler, D. D.

The Presbyterian Church in the United States requires that before there can be a full organic union and consolidation of that church with any other ecclesiastical body there must be the advice and consent of three-fourths of the presbyteries—see page 44 of Presbyterian Law and Procedure, by Rev. J. D. Leslie, D. D., LL. D.

The canons of the Protestant Episcopal Church require that sentence shall not be imposed upon a bishop found guilty of holding and teaching doctrine contrary to that held by the church unless and until the said finding shall have been approved by a vote of two-thirds of all the bishops entitled to seats in the house of bishops, canonically assembled in the said house—see page 610 of the Protestant Episcopal Church Constitution and Canons.

There is an interesting historical facet of the subject in the fact that the popes of the Catholic Church are elected by a two-thirds vote of the cardinals, and that this goes back unbroken to the year A. D. 1179 when the pope of that church was Alexander III.

When the question of cloture arises here on Senate bill 101, each Senator will have a free choice on the action he will take and a free choice of the reasons which may move him to his decision.

So far as I am concerned, I must reserve the right to consider each case as it arises. I do not say that I shall never vote for cloture, but there will always be in my mind a strong presumption against it, which for all of the reasons I have mentioned has not been overcome.

#### EXHIBIT A

*Merger, consolidation, or voluntary dissolution of corporations in general: Percentage of stock required to give effect to proposals in the various States*

Consolidation or merger	Dissolution
Alabama (Code, 1940, title 10, sec. 95): Two-thirds in value of capital stock.	(Title 10, sec. 104, 105): All stockholders, but two-thirds in value of capital stock may institute equity proceedings.
Arizona (Code Annotated, 1939, sec. 53-504): Two-thirds of stock.	(Sec. 53-306): Two-thirds of stock; unanimous consent if no meeting held.
Arkansas (Popes' Digest, 1937, sec. 2224): Majority of voting power, or other proportion fixed in articles.	(Sec. 2202): Two-thirds of voting power.
California (Civil Code, sec. 361): Two-thirds of stock of each class.	(Civil Code, sec. 400): Majority of voting power.
Colorado (Session Laws, 1943, ch. 59, sec. 2): Two-thirds of stock.	(Colorado Statutes Annotated, 1933, ch. 41, sec. 64): Two-thirds of entire stock.
Connecticut (General Statutes, sec. 3464; Cum. Supp., 1939, sec. 1130e): Two-thirds of outstanding stock of each class.	(Sec. 3470): Three-fourths of outstanding stock of each class.

*Merger, consolidation, or voluntary dissolution of corporations in general: Percentage of stock required to give effect to proposals in the various States—Continued*

Consolidation or merger	Dissolution
Delaware (Laws, 1941, ch. 132, sec. 12): Two-thirds of capital stock.	(Laws, 1943, ch. 122, ec. 4): Two-thirds in interest of stockholders; unanimous consent if no meeting held.
Florida (Florida Statutes, 1941, sec. 612.37): Majority of voting power, or such other proportion as fixed in certificate of incorporation.	(Sec. 612.46): Two-thirds of all voting power; unanimous consent if no meeting held.
Georgia (Code of Georgia, and Supplement, sec. 22-1830): Majority of votes.	(Sec. 22-1873): Two-thirds of all voting power.
Idaho (Idaho Code Annotated, 1932, sec. 29-151): Two-thirds of voting power of all shareholders.	(Sec. 29-302): Two-thirds vote of all stockholders.
Illinois (Laws, 1943, p. 474, sec. 1): Two-thirds of each class having right to vote.	(Business Corporation Act, sec. 76): Two-thirds of each class having right to vote.
Indiana (Laws 1941, ch. 226; Burns' Annotated Statutes, 1933, sec. 25-232): Majority of outstanding shares entitled to vote.	(Burns' Annotated Statutes, 1933, sec. 25-241): Two-thirds of the outstanding shares entitled to vote.
Iowa: No provision found.	(Code, 1939, sec. 8363): Unanimous consent, or in accordance with provisions of articles.
Kansas (General Statutes, 1935, Supp. 1943, sec. 17-3703): Two-thirds of capital stock.	(Sec. 17-3002): Two-thirds in interest; unanimous consent if no meeting held.
Kentucky (Kentucky Revised Statutes, 1944, sec. 271.250): Two-thirds of outstanding capital stock.	(Sec. 271-300): Majority of stock unless otherwise provided in articles.
Louisiana (Louisiana General Statutes (Dart), 1939, sec. 1128): Unless otherwise provided in articles, two-thirds of each class of stock.	(Sec. 1124, 1144): Two-thirds of voting power unless articles provide for larger proportion; unanimous consent if no meeting held.
Nebraska (Revised Statutes, 1943, sec. 21-1104): Two-thirds of capital stock.	(Sec. 21-153): Two-thirds in interest of stockholders; unanimous consent if no meeting held.
Nevada (Statutes, 1937, ch. 7, sec. 4): Majority (or larger proportion if required by articles) of each class of stock, even though its right to vote be otherwise restricted.	(Compiled Laws, 1929, sec. 1663): Two-thirds of voting power or nine-tenths of stockholders without a meeting.
New Hampshire (Revised Laws, 1942, ch. 274, sec. 41): Two-thirds of each class of stock entitled to vote.	(Ch. 274, sec. 96): Majority of stock (one-fourth in case of impending insolvency) may petition superior court.
New Jersey (Revised Statutes, 1937, sec. 14:12-3): Two-thirds of all capital stock.	(Sec. 14:13-1): Two-thirds of stockholders without regard to voting power or class of stock; unanimous consent of all stockholders if no meeting held.
New Mexico (Statutes, 1941, sec. 54-902): Two-thirds of capital stock.	(Sec. 54-501): Two-thirds in interest, unanimous consent if no meeting held.
New York (Stock Corporation Law, sec. 86): Two-thirds vote of shares entitled to vote; unanimous consent if no meeting held.	(Stock Corporation Law, sec. 105): Two-thirds vote of shares entitled to vote; unanimous consent if no meeting held.
North Carolina (General Statutes, 1943, sec. 55-165): Majority of stock entitled to vote.	(Sec. 55-121): Two-thirds in interest of all stockholders; unanimous consent if no meeting held.
North Dakota (Laws 1931, ch. 113): Majority of outstanding capital stock; unanimous consent if no meeting held.	(Supplement to the 1913 Compiled Laws, 1925, sec. 4565): Two-thirds vote of all stockholders.
Maine (Laws 1937 Ch. 195): Majority of voting power.	(Revised Statutes, 1930, ch. 55, sec. 90): Stockholders upon vote may file bill in equity for dissolution.
Maryland (Flacks' Code, 1939, art. 23, sec. 33): Two-thirds of each class of shares outstanding and entitled to vote.	(Art. 23, sec. 43): Two-thirds of each class of shares outstanding and entitled to vote.
Massachusetts (Acts and Resolves, 1941, ch. 514): Two-thirds of each class of stock outstanding and	(Acts and Resolves, 1933, ch. 66): Majority (in some cases 40 percent) of each class of stock may

*Merger, consolidation, or voluntary dissolution of corporations in general: Percentage of stock required to give effect to proposals in the various States—Continued*

Consolidation or merger	Dissolution
Massachusetts—Con. entitled to vote, or by larger vote if charter requires.	petition court for dissolution.
Michigan (Michigan Statutes Annotated, 1937, sec. 21.52): Two-thirds of total shares of each class of stock outstanding.	(Sec. 21.67, 21.73): Two-thirds of total shares of each class of stock outstanding may surrender franchise, and three-fourths of total shares of each class of stock outstanding may approve dissolution.
Minnesota (Masons' Minnesota Statutes, 1927, Supplement, 1940, sec. 7492-41): Two-thirds of voting power (or some other proportion not less than one-half as may be prescribed by the articles).	(Sec. 7492-46): Two-thirds of voting power.
Mississippi: No provision found.	(Mississippi Code Annotated, 1942, sec. 5352): Two-thirds of stock.
Missouri (Laws 1943, p. 410, sec. 65): Two-thirds of outstanding shares entitled to vote.	(Laws 1943, p. 410, sec. 80): Two-thirds of outstanding shares entitled to vote; unanimous consent if no meeting held.
Montana: No provision found.	(Revised Codes, 1935, sec. 9923): Two-thirds vote of all stockholders.
Ohio (Page's General Code, 1938, Supp. 1943, sec. 8623-67): Two-thirds of voting power, or other fraction, not less than a majority, or vote by classes, as articles require.	(Sec. 8623-79): Two-thirds of stock in voting power, or such proportion, though less than majority, as articles may require; unanimous consent if no meeting held.
Oklahoma: No provision found.	(Oklahoma Statutes, 1941, title 18, sec. 152): Two-thirds vote of all stockholders.
Oregon (Oregon Laws, 1943, ch. 366, sec. 2): Two-thirds of voting power of all shareholders.	(Compiled Laws Annotated, 1940, sec. 77-235): Majority of stock.
Pennsylvania (Purdon's Pennsylvania Statutes Annotated, 1940, Supp. 1944, sec. 2852-902): Majority of stock of each class entitled to vote.	(Sec. 2852-1102): Majority of outstanding shares of each class entitled to vote; unanimous consent if no meeting held.
Rhode Island: No provision found.	(General Laws, 1938, ch. 116, sec. 57): One-half or more of all outstanding capital stock.
South Carolina (Code of Laws, 1942, sec. 7757): Majority of outstanding shares entitled to vote.	(Sec. 7708): Majority of capital stock.
South Dakota: No provision found.	(Code, 1939, sec. 11.0902): Two-thirds of outstanding stock.
Tennessee (Williams' Tennessee Code, 1932, sec. 3750): Majority of voting power.	(Sec. 3750): Two-thirds of shares entitled to vote.
Texas: No general provisions found.	(Vernon's Texas Statutes, 1936, art. 1387): Four-fifths in interest; unanimous consent if no meeting held.
Utah (Laws, 1943, ch. 27): Majority of stock entitled to vote.	(Sec. 104-62-1): Two-thirds vote of all stockholders.
Vermont (Acts and Resolves, 1943, ch. 115, sec. 2): Two-thirds of each class of stock, or as the articles may otherwise provide.	(Public Laws, 1933, sec. 5872): By vote in legal meeting stockholders may apply for bill in chancery.
Virginia (Virginia Code, 1944, sec. 3822 (b)): Majority of votes cast at meeting.	(Acts of Assembly, 1944, ch. 367): Two-thirds in interest; unanimous consent if no meeting held.
Washington (Pierce's Code, 1943, sec. 443-15): Two-thirds of voting power.	(Sec. 446-3): Two-thirds of voting power.
West Virginia (Code, 1943, sec. 3075): Two-thirds of shares.	(Sec. 3092): 60 percent of stock entitled to vote.
Wisconsin: No provisions found.	(Wisconsin Statutes, 1943, sec. 181.03): Two-thirds of stock entitled to vote, unless articles otherwise provide.
Wyoming: No provisions found.	(Revised Statutes, 1931, sec. 28-1104): Two-thirds of stock.

## EXHIBIT B

CONSTITUTIONAL PROVISIONS IN DOMINIONS OF GREAT BRITAIN CONCERNING PARLIAMENTARY VOTE REQUIREMENTS

## AUSTRALIA

Commonwealth of Australia Constitution Act, 63 and 64 Victoria chapter 12 (July 9, 1900):

Section 23: Senate. Majority.  
Section 40: House of representatives. Majority.

Section 57: Passage of laws at joint session convened by governor general upon disagreement of both houses. Absolute majority of total number of members of senate and house of representatives.

Section 128: Constitutional amendment. Absolute majority of each house.

Section 22: Senate quorum. One-third of whole number.

Section 39: House of representatives quorum. One-third of whole number.

## CANADA

The British North American Act, 1867, 30 and 31 Victoria chapter 3:

Section 36: Senate questions decided by majority.

Section 35: Senate quorum, 15.

Section 49: House questions decided by majority.

Section 48: House quorum, 20.

## IRELAND

Constitution of the Irish Free State, 1937:

Section 12 (10) 4: Impeaching Presidents. Two-thirds of total membership of the Houses of the Oireachtas by which the charge was investigated.

Section 15 (8) 2: In special emergency either House may hold private sitting with assent of two-thirds.

Section 15 (11) 1: All questions, except otherwise provided by constitution, determined by majority of votes of members present.

## NEW ZEALAND

Consolidated Statutes of the Dominion of New Zealand (1908), volume 111, page 507; legislature, 1908, No. 101; council:

Section 6 (2): All questions decided by majority.

Section 6 (1): Quorum. Regulated from time to time by standing orders of the council.

Legislative Council Act, 1914; 5 George V, No. 59 (November 5, 1914):

Part 1, section 7: Passage of law at joint session convened by Governor General upon disagreement. Majority of total number of members of both Houses present.

## UNION OF SOUTH AFRICA

An act to constitute the Union of South Africa, 9 Edward 7, chapter 9 (September 20, 1909); part IV:

Section 31: Senate. All questions determined by majority.

Section 30: Senate quorum, 12.

Section 50: House of representatives. All questions determined by majority.

Section 49: House of representatives quorum, 30.

Section 35: Disqualification of voters in the Colony of Cape of Good Hope. After third reading by two-thirds of total members of both houses.

Section 63: Passage of law at joint session convened by Governor General upon disagreement. Majority of members of senate and house present at joint meeting.

## EXHIBIT C

SUBJECT MATTER WHICH MUST BE DECIDED BY OTHER THAN ORDINARY MAJORITY BY THE LEGISLATURES OF LATIN-AMERICAN COUNTRIES

1. CONSTITUTIONAL AMENDMENTS AND PROPOSALS OF SUCH AMENDMENTS

In this respect the following variety of provisions was observed:

A. Two-thirds of all members of the legislature is required under the constitutions of: Argentina (1853), article 30 (to declare the necessity for such amendments).

Bolivia (1938), article 174 (to declare the necessity for such amendments).

Paraguay (1940), article 94 (to declare the necessity for such amendments).

Venezuela (1936), article 126 (to declare the necessity for such amendments).

Costa Rica (1871), article 134 (to reform).

Cuba (1940), article 286 (to reform).

Dominican Republic, article 103 (to reform).

Guatemala (1879), article 99 (to reform).

Honduras (1936), article 200 (to reform).

Mexico (1917), article 135 (to reform).

Nicaragua (1939), article 348 (to reform).

Panama (1941), article 193 (to reform).

Salvador (1939), article 188 (to reform).

Uruguay (1934), article 284 (to reform).

B. Simple or absolute majority of legislature is required under the constitutions of: Brazil (1937), article 174 (to reform).

Colombia (1936), article 209 (to reform).

Chile (1925), article 108 (to reform).

Peru (1931), article 236 (to reform).

C. Venezuela requires a three-quarters majority to declare a necessity for amendment.

Ecuador and Haiti do not specify the necessary majority to amend or propose amendments.

2. THE BRINGING OF CRIMINAL CHARGES OR IMPEACHMENT AGAINST MINISTERS OR THE PRESIDENT (WHERE THIS IS ESPECIALLY MENTIONED)

A. Two-thirds majority of all the members of the senate is required by the constitutions of:

Bolivia (1938), articles 65, 69.

Colombia (1936), article 90.

Costa Rica (1871), articles 73, 9a.

Cuba (1940), article 121.

Chile (1925), articles 42, 1.

Dominican Republic (1934), articles 19, 4 (3/4).

Uruguay (1934), article 93.

3. VOTING ON RECONSIDERED LEGISLATION

A. A majority of over one-half of the members is required under the constitution of:

Bolivia (1938), article 72.

Colombia (1936), article 74.

Mexico (1917), article 72d and 72e (absolute majority of members present).

B. A majority of two-thirds is required by:

Argentina (1853), article 71.

Brazil (1937), article 44.

Costa Rica (1871), article 89.

Cuba (1940), article 137.

Chile (1925), article 49.

Dominican Republic (1934), article 37.

Guatemala (1879), article 59.

Nicaragua (1939), articles 191 and 192.

Panama (1941), articles 95, 97.

Paraguay (1940), article 79 (legislation vetoed in toto cannot be revoked; two-thirds majority needed by vote on that vetoed in part).

Salvador (1939), article 81.

B. Three-fifths of members present must vote for, in the Constitution of Uruguay: Uruguay (1934), article 128.



## 5. TO APPROVE TREATIES

A. A two-thirds majority of the legislature must approve treaties:

Guatemala (1879), article 54, No. 9.  
Nicaragua (1939), article 162, No. 9, and article 4.  
Salvador (1939), article 77, No. 32.

## 6. TO SUSPEND CONSTITUTIONAL GUARANTIES

A. A majority of two-thirds of those present.

Costa Rica (1871), article 73, No. 7.  
B. Special law, requiring majority roll-call vote.  
Cuba (1940), article 41.

## 7. QUORUMS PROVIDED FOR BY CONSTITUTIONAL PROVISIONS VARY

## A. Absolute majority:

Argentina (1853), article 56.  
Bolivia (1938), article 48.  
Brazil (1937), article 49.  
Cuba (1940), article 128.  
Dominican Republic (1934), article 23.  
Guatemala (1879), article 42.  
Nicaragua (1939), article 144.  
B. Two-thirds majority.  
Costa Rica (1871), article 76.  
Ecuador (1906-7), article 35.  
Honduras (1936), article 94.  
Mexico (1917), article 63 (two-thirds of senators; more than half of deputies).  
Venezuela (1936), article 63.

## C. Other variations:

Colombia (1936), article 64, one-third of each house.

Chile (1925), article 58, one-fifth of house. One-fourth of senate.

Peru (1931), article 109, 55 out of every 100 members of each house.

Salvador (1939), three-fourths of the assembly.

The foregoing represent topics expressly provided for in all or a majority of the constitutions of the 20 Latin-American Republics. Other subjects provided for by one or more of the countries are the following:

## A. Special session:

Bolivia (1938), article 47, requires absolute majority of members.

B. Election of judges by House of Deputies: Bolivia (1938), article 65, absolute majority.

C. Adoption of laws granting pensions. Chile (1925), article 49, two-thirds of members present in each house.

D. Approval of laws issued by executive during recess.

Guatemala (1879), article 54, No. 18, absolute majority of deputies present.

This list is not inclusive, but merely illustrative.

Several of the republics also provide for certification of election of members to their own body or of the executive, ministers, etc., by a specified majority. Also, dismissal from office of such officials is sometimes provided for by a specified vote.

## EXHIBIT D

## EARLY AMERICAN COLONIAL CONSTITUTIONS REQUIRING MORE THAN MAJORITY VOTE

Connecticut: Charter, 1662. No provision.

Delaware: Constitution, 1776. Article 30: Consent of five-sevenths of the assembly and seven-ninths of legislative council required to amend constitution.

Georgia: Constitution, 1777. No provision.

Maryland: Constitution, 1776. Article XXX. declaration of rights: Two-thirds of each house for removal of judges. Article LX, form of government: Two-thirds of general assembly to alter form of government.

Amendment, article IX: Two-thirds of each house for removal of district judges. Amendment, section 27: Unanimous vote of general assembly to abolish relation of master and servant.

Massachusetts: Constitution, 1780. Part II, chapter 1, legislative power, section I: Two-thirds of both houses of legislature to override veto of Governor. Part II, chapter

VI, section X: Two-thirds of qualified voters to propose amendments to constitution. Amendment, article IX: Two-thirds members of house present and voting on proposed amendments to constitution.

New Hampshire: Constitution, 1776. No provision.

New Jersey: Constitution, 1776. No provision.

New York: Constitution, 1776. Article III: Two-thirds of legislature to override veto. Article VI: Two-thirds of legislature present to change voting methods from ballot to viva voce. Article XXXIII: Two-thirds members present in house to impeach State officers.

North Carolina: Constitution, 1776. Amendment, article III, section I: Two-thirds of senate to impeach. Section 2: Two-thirds of both houses to remove judges. Amendment, article IV, section 1 (one): Two-thirds of all members of both houses to call convention. Section 1 (two): Three-fifths of all members of both houses to agree to bill to amend constitution; and two-thirds (of next session) to agree to amend constitution.

Pennsylvania: Constitution, 1776. Section 47: Two-thirds of total of council of censors to call convention.

Rhode Island: Charter, 1663. No provision.

South Carolina: Constitution, 1776. No provision.

Virginia: Constitution, 1776. No provision.

## EXHIBIT E

## SUBJECTS REQUIRING MORE THAN A MAJORITY VOTE FOR DECISION IN THE CONFEDERATE CONSTITUTION OF MARCH 11, 1861

Any judicial or other Federal officer resident and acting solely within the limits of any State may be impeached by a vote of two-thirds in both branches of the legislature thereof. (Art. I, sec. 2.)

Conviction of officers of the government required a two-thirds vote of the members present in the senate. (Art. I, sec. 3.)

Each house could expel member by a vote of two-thirds. (Art. I, sec. 5.)

Bills passed by two-thirds majority of both houses after presidential veto became law. (Art. I, sec. 7.)

Congress can appropriate no money from the treasury except by vote of two-thirds of both houses unless requested by the head of a department and submitted to congress by the president, or for the purpose of paying congress' own expenses and contingencies, or for payment of claims against the Confederate States as established by a proper tribunal. (Art. I, sec. 9.)

The president could make treaties with the concurrence of two-thirds of the senate. (Art. II, sec. 2.)

New States could be admitted by vote of two-thirds of each house, the senate voting by States. (Art. IV, sec. 3.)

Amendments to the constitution required a vote of two-thirds of the State legislatures or State conventions. (Art. V, sec. 1.)

(Source: Jefferson Davis. The Rise and Fall of the Confederate Government, vol. 2, pp. 640 ff.)

## EXHIBIT F

## EXCERPTS FROM THE ARTICLES OF CONFEDERATION RELATIVE TO ACTS OF CONGRESS REQUIRING MORE THAN A SIMPLE MAJORITY VOTE

ART. IX: \* \* \* The united states in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war,

to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the united states in congress assembled.

ART. X. The committee of the states, or any nine of them, shall be authorised to execute, in the recess of congress, such of the powers of congress as the united states in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the congress of the united states assembled is requisite.

ART. XI. Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states. (Source: Documents of American History, ed. by Henry Steele Commager, pp. 114, 115.)

## EXHIBIT G

## SUBJECT MATTER WHICH MUST BE DECIDED BY OTHER THAN ORDINARY MAJORITY BY THE LEGISLATURES OF EUROPEAN COUNTRIES

The provisions of the constitution in individual countries vary considerably, submitting to special majority requirements a great variety of subjects, important and unimportant.

The Constitutions of Switzerland, Denmark, and Sweden do not carry any provisions requiring a specified majority. This is also true of France<sup>1</sup> to the extent that no specified majorities such as two-thirds, three-fourths, etc., are provided for in the French constitutional laws. But, constitutional amendments, the convocation of an extra session, and the election of the president of the Republic require an "absolute majority," i. e., no less than one-half of all the members plus one vote (Constitutional Law of February 25, 1875, art. 8; of July 16, 1875, arts. 2 and 5).

Common to a more or less large number of countries is the requirement of a special majority for constitutional amendments (Albania, Austria, Belgium, Bulgaria, Czechoslovakia, Germany (before Hitler), Greece, Latvia, Lithuania, Netherlands, Norway, Poland, Portugal, Rumania, and Yugoslavia); and impeachment (Austria, Czechoslovakia, Hungary, Latvia, Lithuania, Spain, Rumania, and Yugoslavia). The requirement of a special majority for overriding the veto of the president or the dissenting vote of another house may also be observed in several countries.

Other subjects are not typical of any large number of countries. The procedure also varies according to the country. The required majority (two-thirds, three-fifths, etc.) is sometimes calculated from the total number of members or from the number of members present which should not be below a certain quota at another time.

1. Constitutional amendments and proposals of such amendments:

In this respect the following variety of provisions was observed:

A. Two-thirds of all members of the legislature is required under the constitutions of—

Albania (1928), article 225. In case such majority is not reached, three-fourths of those present at the second vote suffices.

Bulgaria (1879), article 169. This majority is required at the national assembly vote for proposal and at the grand national assembly which passes on the amendment.

<sup>1</sup> And also Italy, prior to Mussolini.

Greece (1911), article 108. This majority is required for the proposal.

Norway (1814), article 112.

Portugal (1911), article 82; (1933), article 133, section 1.

Spain (1931), article 125 (for the first 4 years only).

B. Three-fifths of all members is required under the Constitutions of—

Czechoslovakia (1920), article 33.

Greece (1927), article 125.

Lithuania (1928), article 104. Such a vote is required for the proposal. The amendment is then submitted to the popular vote.

Yugoslavia (1921), article 126; (1931), article 115.

C. Two-thirds majority at a session at which at least two-thirds of the members are present is required under the Constitutions of—

Belgium (1831), article 131.

Germany (1919), article 76. Including any change in the territory of the states unless the states concerned agree.

Latvia (1922), article 76.

Rumania (1923), articles 129, 130. Such a majority is required for both the proposal and the passing of an amendment.\*

D. Two-thirds majority at a session at which at least one-half of the members are present is required under the Constitutions of—

Austria (1934), article 60; (1920), article 44.

Poland (1921), article 125; (1935), article 80.

Netherlands (1887), article 198.

2. The bringing of criminal charges (impeachment) against ministers or the President (where this is especially mentioned):

A. Two-thirds of all members is required under the Constitutions of—

Latvia (1922), article 54. Against the President.

Hungary (Law No. 1 of 1920), article 14. Against the Regent.

Yugoslavia (1931), article 79. Against the ministers.

B. Three-fifths of all members is required under the Constitutions of—

Lithuania (1928), article 64. Against the members of the Cabinet. The charge against the President of the Republic must be voted by three-fourths of the members. (1928), article 65.

Spain (1931), article 85.

C. Two-thirds vote at a session at which not less than two-thirds of the members are present is required under the Constitutions of—

Czechoslovakia (1920), article 34.

Germany (1919), articles 59, 76.

D. Two-thirds majority at a session at which at least one-half of the members are present is required under the constitution of—

Austria (1934), article 88; (1920), article 76. Required only the presence of one-half the members.

Rumania (1923), article 48.

E. Three-fifths majority at a session at which at least one-half of the members are present is required under the Constitution of Poland (1921), article 59; (1925), article 80.

3. Voting on reconsidered legislation:

A. A majority of over one-half of all the members is required under the Constitution of Greece (1927), article 30.

B. Two-thirds majority of all the members is required under the Constitutions of—

Germany (1919), article 74.

Norway (1814), article 76.

C. Three-fifths of the vote at a session at which at least one-half of the members are present is required under the Constitution of Poland (1935), article 53.

\* Under the 1938 constitution a two-thirds majority of all the members is required (1938), art. 97.

D. Two-thirds majority at a session with at least two-thirds of the members present is required in Iceland (1918), article 41.

E. An ordinary majority vote in the presence of one-half of all the members is required under the Constitution of Austria (1920), article 42.

4. Overriding the President's veto:

A. Two-thirds majority of all the members is required under the Constitutions of—

Czechoslovakia (1928), article 48.

Finland (1919), article 19.

Germany (1919), article 74.

Portugal (1933), article 98.

Spain (1931), article 83.

5. Election of the President of the Republic:

A. More than one-half majority at a session at which one-half of all members are present is required under the constitution of Czechoslovakia (1920), article 57.

B. A majority of 51 votes is required under the Constitution of Latvia (1920), article 36.

C. An absolute majority of all deputies is required in France (Constitutional Law of February 25, 1875, art. 8; of July 16, 1875, arts. 2 and 5).

6. Election of the officers of the legislature:

A. An absolute majority at a session at which at least four-fifths of the members are present is required in Greece (1927), article 44.

B. Two-thirds majority at a session at which at least one-half of the members is present is required in Rumania (1923), article 44.

7. A vote of confidence in the cabinet:

A. An absolute majority of members is required in—

Czechoslovakia (1920), article 75.

Spain (1931), article 64.

B. An ordinary majority, provided at least one-half the members were present sufficed under the Constitution of Austria (1920), article 74.

8. Permission granted to the King to occupy another throne simultaneously:

A. Two-thirds majority of all members under the Constitutions of—

Bulgaria (1879), articles 7, 141.

Norway (1814), article 11.

B. Two-thirds majority at a session with at least two-thirds of the members present is required under the Constitution of Rumania (1923), article 98.

C. Two-thirds majority of all members is required for the election of a new King in the absence of a legitimate successor in—

Greece (1911), article 52.

Bulgaria (1879), article 142.

D. Two-thirds majority at a session at which at least three-fourths of the members are present is required for the election of a new King in the absence of a legitimate successor in Rumania (1923), article 79.

E. Three-fourths majority of all members is required for the establishment of a regency under the Constitution of Greece (1911), article 53.

9. The resignation of the President:

A. The President may be forced to resign by two-thirds vote of the members under the Constitutions of—

Latvia (1922), article 51.

Germany (1919), article 43. Such a majority was required for the proposal which was to be decided by popular vote.

B. Three-fifths majority vote was required in Spain (1931), article 82.

C. The Polish Constitution provided for a "declaration of the President's office being vacant if he fails to perform his duties." Such declaration had to be passed by three-fifths majority at a session with at least one-half of the members present under the 1921 constitution (art. 42) and by three-fifths majority of all members under the 1935 constitution (art. 22).

10. A law may be declared urgent (not subject to the President's veto) by a vote of

two-thirds majority of all members under the Constitutions of—

Latvia (1922), article 75.

Spain (1931), article 83.

11. To declare a session secret a vote of two-thirds majority of the members present who should constitute at least one-half of all the members is required under the Constitutions of—

Estonia (1920), articles 46, 47.

Germany (1919), article 29.

Latvia (1922), articles 20, 23.

12. For a declaration of war, Czechoslovakia is the only country which requires a three-fifths majority of all members. (Constitution of 1920, art. 33.)

13. For the ratification of treaties, if these affect constitutional laws, the following special requirements were set up only in Austria: Two-thirds majority at a session with at least one-half of the members present is required. (Constitution of 1920, art. 50; constitution of 1934, art. 60.)

14. A. In Czechoslovakia (1920), article 28 provided that two-thirds majority of all members is required to call an extra session.

B. The same vote is required in Bulgaria (1879), article 141, to change the territory.

C. The Austrian constitution (1920), article 30, required a two-thirds vote at a session with one-half of the members present to pass the rules.

15. In Rumania (1923) a two-thirds vote of the members present, provided these represent more than one-half of the members, is required to extend political rights to women (art. 48) and to establish a ground for the exercise of eminent domain other than for transportation, public health, and public works.

Mr. ELLENDER. Mr. President, I now yield the floor to my distinguished friend and colleague the Senator from Georgia [Mr. RUSSELL].

Mr. RUSSELL. Mr. President, I would that I had the words to express my congratulations to the great Senator from Colorado [Mr. MILLIKIN] for the historical address he has just delivered. No greater statement of sound American principles has fallen from the lips of any Senator in this body since my tenure here. Back in the days of the intellectual giants in this Chamber, those whose debates are often quoted here to sustain the position of Senators, there may have been efforts which equal that of the Senator from Colorado, but I have never read any speech delivered in this forum or any other forum that the people of this Nation might read and study with greater profit.

I make bold to assert, Mr. President, that if the address just delivered by the distinguished Senator from Colorado could be made a part of the course of study in every high school and college of this land, it would result in infinitely more progress in establishing tolerance in this country, in affording the proper balance of human relations between our people, than could any number of force bills which the Congress might pass under the lash of pressure groups. I salute the Senator from Colorado and the other members of his party who have put principles so much higher than politics and who have expressed themselves fearlessly upon the pending issue.

Mr. President, in but a moment the Senate will proceed to vote upon cloture. We shall determine by that vote whether the Senate will gag itself. We shall determine by that vote whether we shall



strike down the freedom and fullness of discussion in this body which have marked the Senate of the United States as the last repository of individual rights, and have made it different from any other legislative body in contemporary times. A vote on cloture, a vote to gag the Members of the Senate of the United States, a vote to make speechless ambassadors from sovereign States, is always a thing of consequence. In connection with any measure it is a vote of great moment, and particularly is that true when an attempt to gag and to stop discussion is being made upon a measure so ruthless and so far-reaching in its terms as is the bill now pending before the Senate.

Mr. President, I shall not undertake to discuss what constitutes a filibuster. I do know, however, that so long as the merits or demerits of a measure are under discussion, and so long as Senators who wish to speak have not had an opportunity to do so, it cannot be strictly said that a filibuster is in progress. I do not deny that those who are opposed to the pending bill have been and are perfectly willing to conduct a filibuster. But I assert that there has been no measure before the Senate in recent years in connection with which the discussion so closely followed the merits or demerits of the proposal as has the discussion relating to Senate bill 101.

I point to the fact that almost before the pending bill was made the unfinished business a petition for cloture was circulated in this body seeking signatures of Senators in order that the petition might be filed and thereby stifle debate. Since then most of the discussion in the press has been about the alleged filibuster, and, despite the fact that the merits of the question have consumed the time of the Senate, the issue involved in this proposed legislation has not yet been fully presented to the American people.

Mr. President, to invoke cloture in the Senate of the United States is a serious thing. We are living in a totalitarian world. Here in America we are struggling to keep lighted the beacons of democracy. The right of unlimited discussion in the Senate of the United States is the last bulwark of constitutional government. It is the only shield of the minority in this Nation, whether that minority be of the whole country or some particular section of it. It is the last refuge of the individual who seeks to protect his rights. The Senate of the United States should not invoke cloture. It should not gag its Members, or gag a minority of its Members, so long as Senators are present who wish to discuss the measure under consideration. I can make an argument no stronger against the invocation of gag rule in this body than by pointing out that if the Senate had invoked cloture in connection with the pending bill the Senator from Colorado [Mr. MILLIKIN] could not have made the magnificent speech which we have just heard in which he demolished the contentions of the proponents of this bill.

Mr. TAFT and other Senators addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Georgia yield; and if so, to whom?

Mr. RUSSELL. Mr. President, I decline to yield. I have left only 5 minutes.

The PRESIDENT pro tempore. The Senator from Georgia declines to yield.

Mr. RUSSELL. Mr. President, the Senator from Colorado spoke for more than 1 hour. Had cloture been invoked he would not have been able to present his views on this question to the Senate. There are other Members of this body who have not yet spoken who likewise would require more than 1 hour in order to present their views.

Mr. President, I was amazed by some of the suggestions which were made during the course of the debate. I was dumbfounded by seeing Senators from small States, some of which were small in area and others small in population, sign petitions to gag the Senate and stand on the floor of the Senate and talk about pure democracy, and the right of the majority to run roughshod over the minority whenever it chooses to do so. If we had a pure democracy in this country there would be States having two Members in this body at the present time, which would not have one-tenth of one Senator present here. There are small States in this Union whose welfare is bound up with issues which might not appeal to the majority of Senators, or to the majority of the people of the United States. What rights would Senators have on another day if a legislative lynching by cloture were imposed upon them and upon their constituencies in connection with an issue which they regarded as fundamental? Senators should remember that if today they go out on a legislative lynching with cloture, tomorrow they may be on the other end of the rope.

Mr. President, we have seen other unusual procedures take place in the Senate. I have insisted that a great majority of the people of the United States are not interested in the pending bill, nor are they aware of the viciousness of the provisions which the bill contains. We are living in a chaotic age. If today Senators yield to a small and vocal minority group and invoke cloture, what answer will they make tomorrow, when larger numbers and more vocal minority groups come and ask them to invoke cloture on some other measure? We should preserve the dignity of the Senate of the United States. We should save that last weapon of freedom in this Republic, namely, the right of full discussion. We must continue to protect the rights of the small and weak States, as well as the sections of the country which might be ruthlessly trampled by a sheer majority.

Mr. President, the impending vote is one of the most important which the Senate has taken in many years. We have seen the beginning in this country of delegations coming to Congress to sandbag Senators and intimidate them into voting against their better judgment. We have seen picket lines thrown around hotels in which Senators live be-

cause, forsooth, they have not seen eye to eye with certain minority groups. Today we are about to test whether we have the courage to preserve the freedom of discussion in the Senate, the last citadel of individual rights in this Republic. Ours is the greatest democracy the world has ever known, but there were democracies in other days. In the palmy days of Rome the Roman Senate was a forum for the protection of the rights of the citizens of Rome. Minorities invaded that body and intimidated the timid members of the Roman Senate. When they had not the courage to longer reject the demand for "bread and the circus," it was but a day before the advent of rule by the mob. Shall we repeat that situation in this fair land of ours, or shall we preserve the rights of unlimited discussion in the Senate of the United States?

The suggestion has been made during the debate that the majority of the Senators could even take a Senator off the floor if they thought that an amendment being discussed was frivolous or that his remarks did not appeal to the majority. If we are to start whittling away the rights of the States and the rights of individual Senators by adopting cloture, and then move on to the time when the majority can silence a Senator if his remarks do not appeal to the majority, we should adjourn the Senate sine die and for eternity while it still has left some remnant of dignity, and go out of that door and place above it a bronze plaque having on it the words, "Here fell the last citadel of individual rights in an authoritarian world, betrayed by those selected and sworn to defend it. February 9, 1946."

The PRESIDENT pro tempore. The hour of 4 o'clock having arrived, the Chair, in accordance with the unanimous consent agreement, lays before the Senate the motion submitted on the 7th instant to bring to a close the debate on the bill (S. 101), to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry, and directs the Clerk to call the roll for the purpose of ascertaining the presence of a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Guffey	Morse
Andrews	Gurney	Murdock
Austin	Hart	Murray
Bailey	Hatch	Myers
Ball	Hawkes	O Daniel
Bankhead	Hayden	Overton
Barkley	Hickenlooper	Radcliffe
Bilbo	Hill	Reed
Brewster	Hoey	Revercomb
Bridges	Huffman	Robertson
Briggs	Johnson, Colo.	Russell
Buck	Johnston, S. C.	Saltonstall
Bushfield	Kilgore	Shipstead
Butler	Knowland	Smith
Byrd	La Follette	Stewart
Capehart	Langer	Taft
Capper	Lucas	Taylor
Carville	McCarran	Thomas, Okla.
Chavez	McClellan	Thomas, Utah
Cordon	McFarland	Tobey
Downey	McKellar	Tunnell
Eastland	McMahon	Tydings
Ellender	Magnuson	Walsh
Ferguson	Maybank	Wheeler
Fulbright	Mead	Wherry
George	Millikin	White
Gerry	Mitchell	Willis
Green	Moore	Wilson

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

The Chair submits to the Senate the question, Is it the sense of the Senate that the debate shall be brought to a close? Under the rule, the question is not debatable, and is to be determined by a yea-and-nay vote. The Clerk will call the roll.

The legislative clerk called the roll.

Mr. HILL. I beg to announce that the Senator from Florida [Mr. PEPPER] and the Senator from New York [Mr. WAGNER], who, if present and voting, would vote "yea," are paired with the Senator from Texas [Mr. CONNALLY], who, if present and voting, would vote "nay."

The Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent. I am advised that, if present and voting, he would vote "nay."

I announce that the Senator from Virginia [Mr. GLASS] and the Senator from New York [Mr. WAGNER] are absent from the Senate because of illness.

The Senator from Florida [Mr. PEPPER] is absent on public business.

The Senator from Texas [Mr. CONNALLY] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations, now being held in London.

The Senator from Idaho [Mr. GOSSETT] is absent on important public business. I am advised that if present and voting he would vote "yea."

Mr. WHERRY. The Senator from Michigan [Mr. VANDENBERG] and the Senator from Illinois [Mr. BROOKS], both of whom would vote "yea" if present, are paired with the Senator from North Dakota [Mr. YOUNG], who would vote "nay" if present.

The Senator from Kentucky [Mr. STANFILL] and the Senator from Missouri [Mr. DONNELL], both of whom would vote "yea" if present, are paired with the Senator from Wisconsin [Mr. WILEY], who would vote "nay" if present.

The Senator from Missouri [Mr. DONNELL] was excused by the Senate to make a trip to his home State.

The Senator from Michigan [Mr. VANDENBERG] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations, now being held in London.

The Senator from Illinois [Mr. BROOKS] and the Senator from Kentucky [Mr. STANFILL] are necessarily absent.

The Senator from North Dakota [Mr. YOUNG] has been excused and is absent on official business.

The yeas and nays resulted—yeas 48, nays 36, as follows:

## YEAS—48

Alken	Downey	Lucas
Austin	Ferguson	McMahon
Ball	Green	Magnuson
Barkley	Guffey	Mead
Brewster	Hart	Mitchell
Briggs	Hickenlooper	Morse
Buck	Huffman	Murdock
Butler	Johnson, Colo.	Murray
Capehart	Kilgore	Myers
Capper	Knowland	Reed
Chavez	La Follette	Revercomb
Cordon	Langer	Saltonstall

Shipstead	Thomas, Okla.	Walsh
Smith	Thomas, Utah	Wherry
Taft	Tobey	Willis
Taylor	Tunnell	Wilson

## NAYS—36

Andrews	Gerry	Maybank
Bailey	Gurney	Millikin
Bankhead	Hatch	Moore
Blibo	Hawkes	O'Daniel
Bridges	Hayden	Overton
Bushfield	Hill	Radcliffe
Byrd	Hoey	Robertson
Carville	Johnston, S. C.	Russell
Eastland	McCarran	Stewart
Ellender	McClellan	Tydings
Fulbright	McFarland	Wheeler
George	McKellar	White

## NOT VOTING—12

Brooks	Gossett	Vandenberg
Connally	O'Mahoney	Wagner
Donnell	Pepper	Wiley
Glass	Stanfill	Young

The PRESIDENT pro tempore. On this vote the yeas are 48, the nays are 36. Two-thirds of the Senators present not having voted in the affirmative, the motion is rejected.

## INDEPENDENT OFFICES APPROPRIATIONS, 1947

Mr. CHAVEZ. Mr. President, it took the crucifixion of Christ to redeem the world. It took intestinal fortitude to bring about the Declaration of Independence. It took ordinary American decency to bring about the Constitution of the United States. It took the death of Americans during the Civil War to find out that this was one country. It took this vote today to find out that a majority cannot have its will.

Mr. President, notwithstanding what has happened today and heretofore, America will go forward. This is only the beginning. Please believe me, this is one country, as Lincoln said. We cannot have it divided. We cannot have one country for the South and another country for the other States of the United States.

Mr. President, I am satisfied with the vote; I am strictly satisfied with the vote; and I am strictly satisfied with the crucified Christ this day.

Mr. President, I now withdraw Senate bill 101 from consideration, and I make the motion that in its place the Senate proceed to the consideration of H. R. 5201.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Mexico.

Mr. MEAD. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MEAD. I doubt very much whether the bill can be withdrawn. However, a motion may be made to consider another bill.

My parliamentary inquiry is: If that motion is voted down, will the Senate still be considering Senate bill 101? Is that the parliamentary situation?

The PRESIDENT pro tempore. The question before the Senate is on the motion to proceed to the consideration of H. R. 5201.

Mr. MEAD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BARKLEY. Mr. President, I feel that I have a responsibility in this situation which I must assume. I have said

repeatedly that the vote on cloture would test whether the Senate of the United States could ever reach a vote on Senate bill 101. Much as I regret the result of that vote, I have indicated my willingness to accept that vote as a test of whether the bill could ever be brought to a vote, and I do accept it. And I do so especially in view of the fact that the author of the bill, who has been in charge of it, recognizes the result of the vote we have just had, and has moved to displace the bill with another bill.

If I believed or had the slightest hope that by a continuation of the consideration of S. 101 we could come to an ultimate vote upon it, I would not vote for the motion of the Senator from New Mexico. But I do not believe we can reach a vote upon it, and therefore I am not willing to assume the responsibility, or any part of the responsibility, for prolonging these deliberations in a futile effort to bring the bill to a vote.

We have much important business to consider that can be voted upon. Therefore, I think we should proceed to the consideration of that business, and for that reason I shall vote for the motion of the Senator from New Mexico that the bill, H. R. 5201, which is the appropriation bill involving the independent offices, shall now be taken up and considered. Under no other consideration would I vote to displace the pending bill except that it is my confirmed conviction that it cannot reach a vote under present conditions, no matter how long we may delay the final test upon it.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MAGNUSON. If the vote is carried to take up the other bill, where does that leave S. 101, insofar as the calendar is concerned? Is it still on the calendar?

The PRESIDENT pro tempore. It retains its place on the calendar.

Mr. CHAVEZ. Mr. President, I do not see why there should be any worry. I am the only one who has been taking care of S. 101. There should be no worry whatsoever respecting it so far as other Senators are concerned.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Mexico [Mr. CHAVEZ] that the Senate proceed to the consideration of House bill 5201. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 71, nays 12, as follows:

## YEAS—71

Andrews	Chavez	Hoey
Austin	Cordon	Huffman
Bailey	Downey	Johnson, Colo.
Ball	Eastland	Johnston, S. C.
Bankhead	Ellender	Kilgore
Barkley	Fulbright	Lucas
Blibo	George	McCarran
Brewster	Gerry	McClellan
Bridges	Green	McFarland
Briggs	Guffey	McKellar
Buck	Gurney	McMahon
Bushfield	Hart	Maybank
Butler	Hatch	Millikin
Byrd	Hawkes	Murdock
Capehart	Hayden	Murray
Capper	Hickenlooper	Myers
Carville	Hill	O'Daniel



Overton	Shipstead	Walsh
Radcliffe	Smith	Wheeler
Reed	Stewart	Wherry
Revercomb	Taft	White
Robertson	Thomas, Okla.	Willis
Russell	Thomas, Utah	Wilson
Saltonstall	Tydings	

## NAYS—12

Alken	Langer	Morse
Ferguson	Magnuson	Taylor
Knowland	Mead	Tobey
La Follette	Mitchell	Tunnell

## NOT VOTING—13

Brooks	Moore	Wagner
Connally	O'Mahoney	Wiley
Donnell	Pepper	Young
Glass	Stanfill	
Gossett	Vandenbergh	

So Mr. CHAVEZ' motion was agreed to; and the Senate proceeded to consider the bill (H. R. 5201) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1947, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. BARKLEY. Mr. President, it is my information that the Senator from Tennessee [Mr. McKellar], acting chairman of the Committee on Appropriations, desires that this bill shall go over until next Wednesday. Under the rules we may take a recess from today until next Wednesday.

Furthermore, the Committee on Military Affairs has indicated to me that it desires to have the Executive Calendar go over also. Therefore, if there is nothing further—

Mr. McKellar. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from Kentucky yield to the Senator from Tennessee?

Mr. BARKLEY. I yield to the Senator from Tennessee.

#### ADDITIONAL APPROPRIATION FOR FISCAL YEAR 1946 FOR READJUSTMENT BENEFITS, VETERANS' ADMINISTRATION

Mr. McKellar. Mr. President, from the Committee on Appropriations I report favorably, without amendment, House Joint Resolution 316, making an additional appropriation for the fiscal year 1946 for readjustment benefits, Veterans' Administration, and ask unanimous consent for its present consideration. The House passed the joint resolution yesterday. It is very brief, and I shall read it:

*Resolved, etc.,* That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$500,000,000 for the fiscal year 1946 for the payment of benefits to or on behalf of veterans as authorized by titles II, III, and V, of the Servicemen's Readjustment Act of 1944, to remain available until expended.

As I have stated, the joint resolution passed the House of Representatives on February 8, 1946. It has been taken up by the Committee on Appropriations and submitted to the various members, and they have approved it. I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution. I am advised by the Veterans' Administration that it is abso-

lutely necessary to have this money appropriated at this time, and I hope it may be done.

Mr. WHITE. Mr. President, I have talked with the Senator from New Hampshire [Mr. Bridges], ranking minority member of the Committee on Appropriations, and such other members of the minority as I have been able to see. So far as I know they are all in agreement as to the importance of the joint resolution and the necessity which the Veterans' Administration faces for additional funds immediately. I hope the request of the Senator from Tennessee will be granted.

Mr. McKellar. I hope it may be granted.

The PRESIDING OFFICER. The Senator from Tennessee requests unanimous consent to proceed to the immediate consideration of House Joint Resolution 316.

Mr. McKellar. Without displacing the unfinished business, of course.

The PRESIDING OFFICER. Without displacing the unfinished business. Is there objection?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

#### Mr. McKellar. I thank the Senate. AUTHORIZATION FOR COMMITTEES TO REPORT BILLS, ETC

Mr. BARKLEY. Mr. President, I ask unanimous consent that during the contemplated recess of the Senate, which will be until next Wednesday, committees of the Senate may be authorized to make reports on bills and resolutions which may be pending before them.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORIZATION FOR SIGNING OF BILLS, ETC., AND FOR RECEPTION OF MESSAGES

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Presiding Officer be authorized, during the recess, to sign bills and resolutions ready for his signature, and that the Secretary of the Senate be authorized to receive messages from the House of Representatives.

The PRESIDENT pro tempore. Without objection it is so ordered.

#### LEAVES OF ABSENCE

Mr. BUTLER. Mr. President, I ask unanimous consent to be absent from the sessions of the Senate until Thursday of next week, beginning with tonight.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. WILLIS. Mr. President, I ask the consent of the Senate to be absent next week, and on Monday of the following week, because of some important business in my home State.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. TAFT. Mr. President, I ask unanimous consent to be excused from the sessions of the Senate to and including the February 15 session.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. HICKENLOOPER. Mr. President, it will be necessary for me to be

absent all of next week. I have some duties to perform in the West in connection with the Atomic Energy Committee. I ask consent to be excused for the whole of next week.

The PRESIDENT pro tempore. Without objection, leave is granted.

#### PROCLAMATION COMMEMORATING CONTRIBUTIONS OF STUDENTS AND TEACHERS TO THE WAR EFFORT

Mr. MORSE. Mr. President, I ask unanimous consent to introduce a very brief joint resolution, and make a few comments in respect thereto. The joint resolution reads as follows:

Joint resolution authorizing the President to proclaim April 19, 1946, as Students and Teachers Day in commemoration of their contributions in helping to bring about victory in the present war

*Resolved, etc.,* That the President is authorized and requested to issue a proclamation designating April 19, 1946, as Students and Teachers Day and calling upon the people throughout the United States to observe the day with appropriate ceremonies honoring students and teachers for their contributions in helping to bring about victory in the present war.

Mr. President, I think it is particularly fitting that such honor should be paid to the students and teachers of America on April 19, 1946, because April 19 is a historic day of freedom in America. It is Concord and Lexington Day. I think it is proper that public attention be directed to the school system of America on the day commemorating "the shot heard round the world" which started the fight for American independence. I think it is perfectly clear that if we are to remain a free and enlightened nation, the greatest responsibility rests upon the school system. I happen to be convinced that free education in America is more important in preserving our rights and freedom than is even the Congress of the United States. Hence, I think it is particularly fitting, because of the great contributions which the school children of America and the teachers of America made during the war, in the great fight to preserve this Nation as a free nation, that the President should issue a proclamation in their honor, as I suggest.

In support of the suggestion I should like to quote from Mr. C. C. Harvey, the very able superintendent of schools of Nyssa in my State. He makes the following points:

Some of the arguments in favor of making the project national in scope are: (1) During the war, students accepted more responsibility than ever before, and they deserve to be honored in some appropriate way. (2) By recognizing the students, it will in a sense be recognition for faculty members, school administrators, and patrons who composed the remainder of the team which made the accomplishments of students possible. (3) It would have a wholesome influence on the morale of students, teachers, and schools at large. (4) It will bring public attention to the part played by the schools during the war, not only in carrying on in the face of many serious obstacles, but in doing a superb job and making a vital contribution toward victory, as well.

Mr. President, lastly I wish to call the attention of the Senate to an excerpt

from a letter written by a great American educator, Mr. Willard E. Givens. In his letter he comments on the contributions of the educational system of this country to the war, as follows:

The armed forces could not have been so quickly trained in the intricate specialties demanded in modern warfare without the educational preparation provided by the schools and colleges. The resources could not have been so effectively mobilized without the skills and knowledge developed in our educational institutions. The basic educational program of the Nation also provided the foundation for the high morale and clear understanding of the purposes for which we were fighting.

The schools and colleges of the Nation quickly and effectively trained 12,000,000 men and women for war jobs in industry; gathered millions of tons of scrap paper and other materials; provided the services of teachers for rationing and registration programs which could not have been handled so effectively in any other way; and adjusted courses to permit older pupils to do part-time work, thus relieving the manpower shortage.

Above all else, in the face of many difficulties the schools and colleges have carried on during the war their regular responsibility—the education of 25,000,000 girls and boys.

So I say, Mr. President, that I think it particularly fitting and proper that the people of America should, under Presidential proclamation on April 19, 1946, pay homage to the great contributions to the war efforts made by the students and school teachers of America.

The PRESIDENT pro tempore. Without objection, the joint resolution introduced by the Senator from Oregon will be received and appropriately referred.

The joint resolution (S. J. Res. 141) authorizing the President to proclaim April 19, 1946, as Students and Teachers Day in commemoration of their contributions in helping to bring about victory in the present war was read twice by its title and referred to the Committee on the Judiciary.

#### LEAVE OF ABSENCE

Mr. MORSE. Mr. President, in view of the fact that I find it necessary to leave the Senate for a few days in order to go to my home State for a series of speeches on issues which I think of vital importance not only to the future welfare of my party but to the future welfare of the country, I beg leave of the Senate to be excused.

The PRESIDENT pro tempore. Without objection, leave of the Senate is granted.

#### THE FEPC

Mr. MORSE. Mr. President, I close with one other comment. I would not wish the Senate to take a recess this afternoon without having some word of compliment paid to the Senator from New Mexico [Mr. CHAVEZ] for the leadership he has given to the fight on the floor of the Senate in support of Senate bill 101. The record is clear that I do not agree with all the strategy which was followed in the attempt to break the filibuster which has prevailed on this floor for the past month, but I do think the Senator from New Mexico is entitled to the sincere thanks of those of us who believe that the principle of FEPC is so

fundamental to the preservation of American economic rights that it must be brought before the Senate from time to time again. I, for one, serve notice that so long as I am in the Senate, I shall see to it that periodically that principle of economic equality of opportunity and justice comes back to the floor of the Senate, because I do not believe that this Nation can truly endure as a free nation so long as the principle of minority rule which was defended on the floor of the Senate this afternoon is permitted to survive in the Senate of the United States. In spite of the arguments which were made here this afternoon—in my judgment, I respectfully say, highly fallacious arguments—the issue before the American people now is whether the Senate of the United States is going to be permitted to continue to operate under rules whereby minorities can block the will of the majority of the Senate. In my judgment, no issue is more important to representative government than that one. I stand ready to meet the issue, and I think the American people will demonstrate in the elections of 1946 and 1948 that they want that issue met by the Senate of the United States.

#### EXECUTIVE MESSAGES REFERRED

As in executive session.

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

#### EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. GEORGE, from the Committee on Foreign Relations:

Raphael O'Hara Lanier, of Texas, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Liberia.

#### RECESS TO WEDNESDAY

Mr. BARKLEY. Mr. President, I move that the Senate take a recess until 12 o'clock noon on Wednesday next.

The motion was agreed to; and (at 4 o'clock and 43 minutes p. m.) the Senate took a recess until Wednesday, February 13, 1946, at 12 o'clock meridian.

#### NOMINATIONS

Executive nominations received by the Senate February 9 (legislative day of January 18), 1946:

##### RETRAINING AND REEMPLOYMENT ADMINISTRATOR

Maj. Gen. Graves Blanchard Erskine, United States Marine Corps, to be Retraining and Reemployment Administrator.

##### DEPARTMENT OF THE NAVY

##### THE ASSISTANT SECRETARY

W. John Kenney, of California, to be the Assistant Secretary of the Navy.

##### APPOINTMENT IN THE REGULAR ARMY

##### ASSISTANT TO THE SURGEON GENERAL

Col. Thomas Lovet Smith, Dental Corps, for appointment in the Regular Army of the United States as Assistant to the Surgeon General, with the rank of brigadier general, for a period of 4 years from date of acceptance, vice Maj. Gen. Robert Hilliard Mills, whose term of office expires March 16, 1946.

## HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 11, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, who art ever near and ever ready to help those who put their trust in Thee, clear and strengthen our vision. Free us from the fret and worry of distempered words that provoke confusion and irritation. Put Thy cooling hand upon the hot pulses of any who are willful and fail to see Thy way.

O lead us to the moral heights of personal honesty and political integrity. In all our relations we pray, not to be understood but to understand, not to be loved but to love. Heavenly Father, sustain us with a fine sense of human rights: the right to be well-born; the right to know the meaning of religion; the right to worship Thee according to the voice of conscience; the right to work; and the right to have a share in the good things of life. We pray in the name of Him whose love was small enough to embrace a child and big enough to encircle the world, Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday, February 8, 1946, was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 316. Joint resolution making an additional appropriation for the fiscal year 1946 for readjustment benefits, Veterans' Administration.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5158. An act reducing certain appropriations and contract authorizations available for the fiscal year 1946, and for other purposes.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 140. Joint resolution to extend in the case of the Government-owned pipe lines known as Big Inch and Little Big Inch the time during which disposition of such pipe lines is prohibited under the Surplus Property Act of 1944, as amended.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1405) entitled "An act to authorize the President to retire certain officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and for other purposes."

#### ELIZABETH THOMAS

Mr. COCHRAN. Mr. Speaker, by direction of the Committee on Accounts, I offer a privileged resolution (H. Res. 515) and ask for its immediate consideration.